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CIVIL GOVERNMENT
OF
IDAHO

ROSE



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CIVIL GOVERNMENT

—OF—

IDAHO

FOR THE USE OF SCHOOLS

BY

C. E. ROSE

PRINCIPAL OF THE HIGH SCHOOL

AND

TEACHER OF AMERICAN HISTORY AND
GOVERNMENT

BOISE, IDAHO

1912

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PREFACE

“Nothing will ruin the country if the people themselves will undertake its safety; and nothing can save it if they leave that safety in any hands but their own.”

—Daniel Webster.

This little volume will have served its purpose if it can be used as an aid in making the young citizens of Idaho familiar with our political institutions. The school should have as a main object the preparation of its children for the duties of citizenship. This preparation can in no way be complete, unless the young citizen, sent out by the school, meets the duties of citizenship with a steadfastness of purpose which comes only with a true conception of one's rights and duties as ordained by the State, of the importance and the sacredness of the ballot, and of the scope of the various units of government.

The course in civil government cannot be complete by studying merely a general work on the subject. There are many volumes published which meet every requirement for a careful study of our National government, and of the smaller units in general. This volume should be used to supplement the general work by presenting the facts peculiar to our own State and local governments. The questions at the close of each chapter are given in the hope of creating interest by suggesting lines of supplementary

work which are indispensable to a thorough course in civil government.

I wish to take this opportunity to express my sincere appreciation of the kindness of those who have added much to the value of this volume by their helpful corrections and criticisms. For this favor, I am under great obligations to Miss Grace M. Shepherd, State Superintendent of Public Instruction; her Deputy, Miss Bernice McCoy, former County Superintendent of Nez Perce County; Hon. George H. Roberts, former Attorney General of Nebraska and of Idaho; Capt. E. G. Davis, Representative from Oneida County, and former Instructor in Constitutional Law at West Point; and Supt. O. M. Elliott, of the Twin Falls Public Schools.

C. E. ROSE.

BOISE HIGH SCHOOL,
March, 1912.

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CIVIL GOVERNMENT OF IDAHO

CHAPTER I.

INTRODUCTION.

Origin of Government.—"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are Life, Liberty, and the pursuit of Happiness. That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed." These words from our Declaration of Independence, and penned by the immortal Jefferson, give us in words that can never die, the object for which government is established. Government places the poor on an equal footing with the rich; the weak, with the strong; the conscientious, with the unscrupulous.

Rights and Duties.—The purpose of government is to guarantee to us our rights. In a country like ours, we make our own local laws, as is done in the New England town meeting; or we elect others to make laws for us, as is done in all the state legislatures and in the National Congress. Now if the government is for the individual, and we are to help govern, we owe it to ourselves and to our fellow citizens to inform ourselves as much as possible in regard to our government. Every right implies a

duty. If we have the right to Life, Liberty, and the pursuit of Happiness, it is our sacred duty to help guarantee the same right to others.

Forms of Government.—Aristotle (333 B. C.) was able to arrange under three heads all of the two hundred fifty governments about the Mediterranean sea at that time. His classification was:

1. Monarchy; government by one, the strong.
2. Aristocracy; government by the few, the wise.
3. Democracy; government by the many, the good.

But the governments of the present time may be classified better under the following three heads:

1. Absolute Monarchy, in which the will of the monarch, or ruler, is supreme and unfettered.
2. Limited Monarchy, in which the monarch is limited to the exercise of particular powers or functions by the constitution or laws of the realm.
3. Republic, in which all power is exercised by officers chosen directly by the people.

The United States.—When our present government was first organized, the wise men of the world sneered at the mere suggestion that it would be able to survive for any great length of time. Even one of the framers of our United States Constitution scorned the idea that the constitution then being framed could last a hundred fifty years. The thousands of years of history in the past offered no example of government like ours. The United States is a republic made up of many smaller re-

publics. By the adoption of the Articles of Confederation, and later the Constitution, the people of the United States delegated certain powers to the United States government: such powers as belong properly to a nation in its relations with other nations, and such powers as can best be exercised by the general government for the whole country. To each state was reserved the power of conducting all its local affairs, and of exercising control over its citizens and their property. As later states were organized, they were modeled after the original thirteen states, and guaranteed the same rights. For many years it was contended by some of the best statesmen of our country that a state could secede from the Union, if it was not satisfied with the manner in which the United States government conducted the affairs of the Union. The great Civil War settled the question of secession once and for all time.

The State.—From 1607 to 1732, thirteen colonies were formed in America by authority of the English government. While these colonies were all subject to English rule, they were entirely independent of each other. When George III, forgetful of the fates of Charles I and James II, tried to tax these colonies without their consent, they remonstrated. When he attempted to force them into submission, they formed a union to oppose force with force. The actual union was effected when the Continental army accepted General Washington as its commander-in-chief, and he was so recognized throughout the colonies. When George III persisted in his stubborn efforts, the united colonies, through their

representatives in the Continental Congress, declared their independence of England. In order to carry on the Revolutionary War to the best advantage the people and the states permitted Congress to exercise certain powers. Under the advice of Congress, state governments were formed in all of the thirteen new states, except Virginia, to take the place of the abandoned colonial governments. Virginia had already taken such action. Thus our Union and our state governments were formed.

The County.—Each state of the Union, by its constitution and laws, divides its territory into many smaller divisions for the purpose of local government. These divisions are called Counties. The origin of the county can be traced to that part of the country in England ruled over by a petty king, and called a Shire. The name Shire was changed by the Normans after 1066 to County. Very early in the State of Virginia, the County became the unit of local government. By that we mean that the county officers attend to all the business of government in the county. The Virginia form of local government has been patterned after by many of the Southern and Western states.

The Township.—In New England, just as in old England, the town or township meeting exercised the powers of local government. All the voters assembled in one body, made their own local laws, settled disputes, and chose men to attend to certain duties until the next town meeting, or for a stated period. This was certainly ideal government, but is possible only in small units. Such a system would be impracticable in a county, and impossible in a

state, so representatives are chosen by the people to carry on the government for them in counties, states, and nation. In the New England states, at the present time, the town is the principal unit of local government. In many of the central states, the powers of local government are about equally divided between township and county. In those states in which the county is the unit for local government, it is always divided into what may be called civil districts, such for instance as election precincts.

The Incorporated Town or City.—When a great number of people build their homes in the same locality, it becomes necessary to make special laws for regulating such communities. Special officers are also chosen to enforce the laws. But such town or city is always under the jurisdiction of either county or state. Usually it operates either under a general statute passed by the legislature for such purposes, or under a special statute commonly called a Charter.

The School District.—For the purpose of public education, the school district is organized in all the states, the size of the districts varying greatly. In some states, the county is the unit, and all schools are under the control of a county board. In other states, a township board looks after all the schools in the township. Generally all the schools in an incorporated town or city are under the supervision of one set of officers. In many of the states a school district comprises territory about two miles square, all the children in such territory go to one school, and that school is governed by officers chosen by the people of the district. In this kind of district, the voters usual-

ly exercise some of the functions of government at the annual district meeting.

The Home.—The oldest form of government is that of the home, with the father of the family at its head. The government of the home should be and usually is the best of all, for it is founded upon love. Solon, the sage of Athens once said: "That is the most perfect government under which a wrong to the humblest is an affront to all." But the home is subject to the state, and the state determines the rights and duties of both the parent and the children in the home. Upon the parent falls the duty of providing maintenance, protection and education for the children, and the children have a right to these three things. On the other hand parents are held responsible for wrongs committed by their children. In return for the many obligations resting upon the parents, the principal duty demanded of the children is obedience, and to secure this obedience parents are necessarily given almost absolute authority over their children. But, as the best government is that in which the governed are taught to govern themselves, so the best home government is that in which the children learn by cheerful obedience to lawful authority how to govern themselves and then to govern others.

No Conflict of Authority.—Although we find that in the United States we are under so many governments at one time, yet the whole system is so planned, that there is no conflict of authority. We can obey all the laws of the United States and of our state at the same time. Nothing in the state governments can be in violation of the United States Constitution or

laws. Every official act of the officers of county, city, township, or school district must be in accordance with the laws of the state which has created such inferior divisions of government.

The State of Idaho.—The following chapters deal with the civil government of the State of Idaho. This book is intended for use in connection with a general work in Civil Government. It is to supplement the latter, by presenting the Civil Government of the State of Idaho. References to certain articles and sections of the State Constitution are made for the purpose of acquainting the student with that document. (See Appendix). The laws of a state, especially a young and growing state like our own, are constantly changing, so one never can be sure of the law on any particular point without reference to the last Session Laws of the State. The most important reference work, then, in local or State civil government, is a set of the Idaho Revised Codes, adopted in 1909. With these codes must be considered the laws passed by the Legislature since their adoption.

SUGGESTIVE QUESTIONS.

1. What principles of government are stated in the first two paragraphs of the Declaration of Independence?
2. As children in school, you are under five or six different governments, viz: National, state, county, (city), school district, home. Name ways in which you are or might be controlled by each of these governments. In case of conflict in authority between any two of these governments, to which do you owe allegiance?

CHAPTER II.

ELECTIONS AND VOTING.

The Precinct.—By the state law of Idaho, the board of county commissioners is empowered to divide the county into a convenient number of election precincts, change the boundaries of such as may be necessary, create new or consolidate established precincts, but it must not alter or change any election precinct after its regular April meeting next preceding any election. There shall also be appointed for each election precinct a registrar, whose duty it shall be, upon application, to receive and register the names of all qualified voters for his precinct on each Saturday from the first of July to and including the Saturday preceding the General Election, except the last Saturday in July and each Saturday in August following the Primary Election.

Qualifications of Voters.—The Constitution of the United States, Amendment XIV, determines who are citizens of the United States. Amendment XV states that no citizen shall be deprived of the right to vote on account of race, color or previous condition of servitude. Amendment XIV says that “when the right to vote at any election” for Federal or State officers “is denied to any of the male members of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the pro-

portion which such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state." In Article I of the same document, it is stated that "the electors (of Congressmen) in each state shall have the qualifications requisite for electors of the most numerous branch of the State Legislature". Otherwise, the states are perfectly free to establish the qualifications of voters. In Idaho, every male or female citizen of the United States, twenty-one years of age, who has actually resided in the State six months and in the county thirty days next preceding the day of election, if registered as provided by law, is a qualified elector, or voter.

Disqualified From Voting.—No one is entitled to vote, serve as juror, or hold any civil office, who is under guardianship, is idiotic or insane, who has been convicted of treason, felony, buying or selling votes, or the attempt to buy or sell a vote, who is a bigamist or a polygamist, or by his teaching or support encourages others to enter into bigamy or polygamy. Persons employed in the service of the United States, or engaged in the navigation of the waters of the State or of the United States, or attending any institution of learning, or being kept in an alms-house at public expense, have the right to return home to vote.

Elector's Oath Before Registering.—Below is the form of the oath prescribed by law for all who wish to register:

"I do swear (or affirm) that I am a citizen of the United States, of the age of twenty-one years, or will be the..... day of..... A. D., 19....; that I have (or will have) actually resided in this state for six months, and in this county for thirty days next preceding the next ensuing elec-

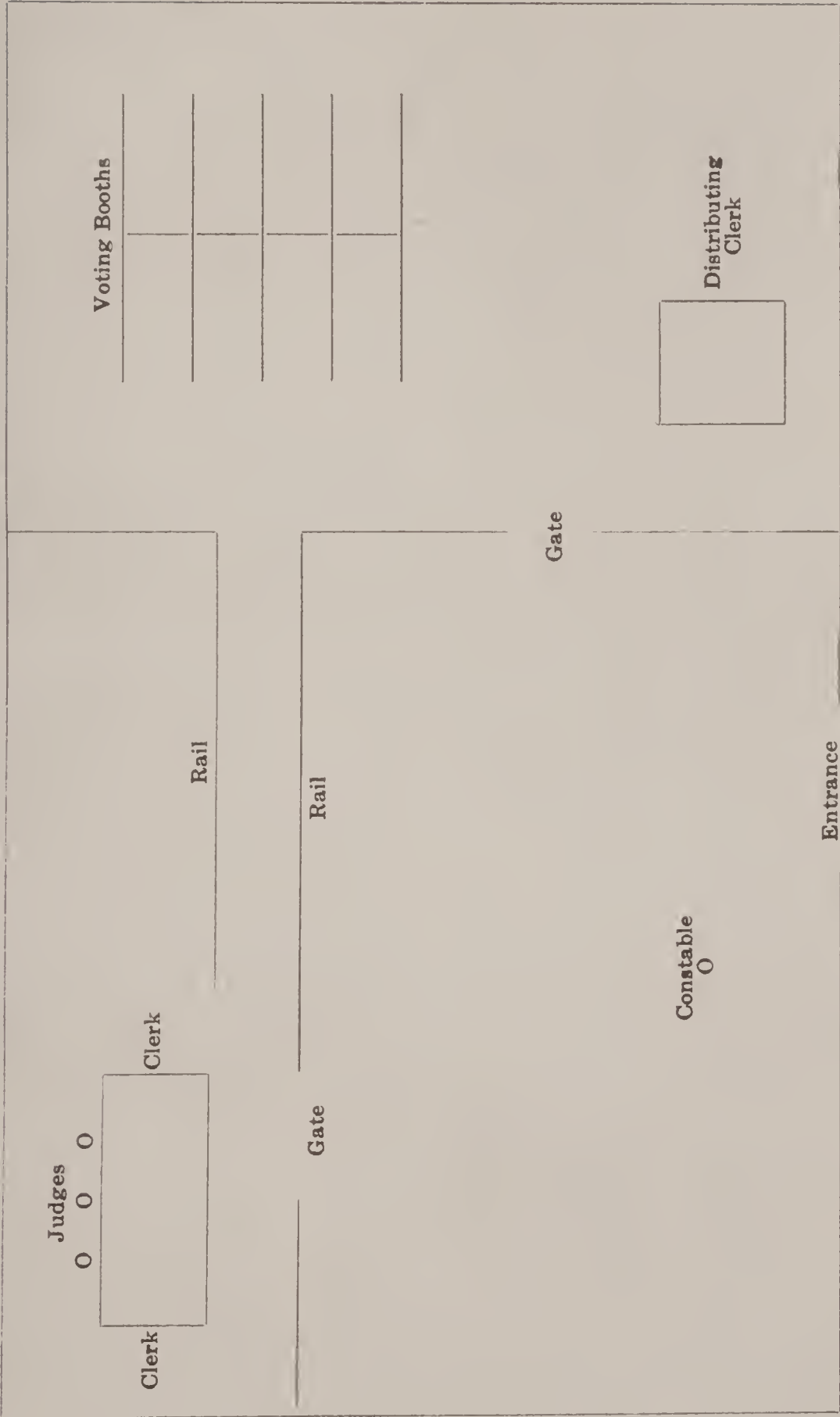
tion; that I have never been convicted of treason, felony, embezzlement of public funds, bartering or selling or offering to barter or sell my vote, or purchasing or offering to purchase the vote of another, or other infamous crime, without thereafter being restored to the rights of citizenship; that I will not commit any act in violation of the provisions in this oath contained; that I am not now registered or entitled to vote at any other place in this State; that I do regard the Constitution of the United States and the laws thereof, and the Constitution of this State and the laws thereof, as interpreted by the courts, as the supreme law of the land, so help me God”.

This oath must be signed by the one wishing to register and sworn to before the registrar of the precinct.

Importance of Voting.—Every voter is responsible in part for the kind of government under which he lives. It is his duty to see that good men are chosen to make the laws, and other good men to enforce the laws when made. No one who shirks the responsibility of voting has any right to complain if the laws do not suit him, or if officers prove faithless. This government is surely “for the people”. It will be “by the people” only when all voters do their full duty at the polls.

Australian Ballot System.—In order to give every voter the opportunity to prepare and cast his ballot in secret, and to guard against any possible interference, intimidation, or bribery, this State has adopted the Australian ballot system. The model voting place and sample ballot shown on the next page illustrate how much care has been taken to protect the voter in this his first and greatest duty to his government.

MODEL POLLING PLACE. (Revised Codes, p. 318.)



SAMPLE TICKET. (Revised Codes, p. 301.)

You can vote a ticket "straight" by placing an X in large circle below name of party you wish to vote for. You can "scratch" your ticket by erasing name on straight ticket you do not wish to vote for, and placing an X in small circle on right of name you wish to vote for.

(EMBLEM) REPUBLICAN TICKET		(EMBLEM) DEMOCRATIC TICKET			
ONE INCH SPACE		ONE INCH SPACE		ONE INCH SPACE	
FOR CONGRESS JOHN JONES		FOR CONGRESS JAMES WHITE		FOR CONGRESS	
FOR GOVERNOR SAMUEL DOE		FOR GOVERNOR WILLIAM ORR		FOR GOVERNOR	
FOR STATE AUDITOR RICHARD ROE		FOR STATE AUDITOR JOHN SMITH		FOR STATE AUDITOR	

Election Officers and Duties.—The board of county commissioners shall appoint in every election precinct three judges of election and one distributing clerk. These officers shall as nearly as possible represent all parties taking part in the election. The three judges shall select two clerks of election, and in case there is no constable in the voting precinct, appoint some person to act as such during the election. Such officer shall have power to arrest for disturbance of the peace, shall allow no one inside the guard rail except those who go to vote, and only one elector in a compartment at one time. At general elections the polls shall remain open from 8 o'clock in the morning to 7 in the evening. As soon as the polls close the judges shall canvass the votes publicly and make certified returns to the clerk of the board of county commissioners. If at the general election preceding there have been over one hundred votes cast for Governor, then there shall be two sets of election officers in such precinct, one set to receive and register the votes, and the other set to count the votes. Two ballot boxes shall in such case be used, one to receive the votes until fifty have been cast, then delivered to the counting judges, and the other box used for receiving ballots. As soon as the ballots in the first box are counted, it shall be returned to the judges who are receiving ballots, and the ballots in the second box shall be counted. So the two sets of officers shall continue to exchange ballot boxes, until the polls are closed, when the rest of the ballots shall be counted and all the judges shall join in signing the returns to the county commissioners. The county commissioners shall canvass the returns so sent in and determine

who are chosen to the county offices. The State canvassing board receives a statement of the votes from each county for state officers, judges, and members of the Legislature, and determines who are chosen to the various offices.

How to Vote.—The following complete instructions for voting are from the Revised Codes of Idaho, adopted January 12, 1909:

“Delivery of Ticket to Elector.

SEC. 423. An elector desiring to vote shall give his name and, if requested to do so, his residence, to one of the clerks of the election, who shall thereupon announce the same in a loud and distinct tone of voice, clear and audible, and if such name is found on the check list by the election officer having charge thereof, he shall likewise repeat the said name, and the voter shall be allowed to enter the space enclosed by the guard rail as hereinbefore provided. The distributing clerk shall give him one, and only one, ticket, and his name shall be immediately checked on said list by placing a mark on the registry list to denote that he has received a ticket, and the ticket must be stamped on the back and near the top of the ticket with the official stamp by the distributing clerk, and thereupon delivered to the elector. Besides the election officers, not more than one voter, in excess of the voting shelves or compartments provided, shall be allowed in said enclosed space at one time.”

“Manner of Voting.

SEC. 424. On receipt of his ticket, the voter shall forthwith and without leaving the enclosed space, retire alone to one of the voting shelves or compartments so provided, and shall prepare his ticket by marking in the appropriate margin, or place a cross (X) opposite the name of the candidate of his choice for each office to be filled, or in the circle provided therefor at the head of the several party tickets, or by filling in or writing the name of the person for whom he wishes to vote in the blank space provided therefor in the column or division of the ticket for that purpose provided, and marking a cross (X) opposite thereto; and in case of a question submitted to a vote of the people, by marking in the appropriate margin or place a cross (X) against the answer which he desires to give. Before leaving the voting shelf or compartment the voter shall fold his ticket without displaying the marks thereon, and so as to expose the impression of

the official stamp on the back, and he shall keep the same so folded until he has voted. He shall then hand his ballot to one of the judges and announce his name. He shall mark his ticket or ballot without delay and shall quit said enclosed space as soon as he has voted.

“No such voter shall be allowed to occupy a voting shelf or compartment already occupied by another, nor to remain within said enclosed space more than ten minutes, nor to occupy a voting shelf or compartment more than five minutes in case all of such shelves or compartments are in use and other voters are waiting to occupy the same. No voter, not an election officer, whose name has been checked on the list of the election officers, shall be allowed to re-enter said enclosed space during said election. It shall be the duty of the judges for the time being to secure the observance of the provisions of this section; *Provided*, That if any registered elector, who is blind or otherwise disqualified by reason of physical infirmities rendering such voter incapable of personally marking his ballot, desires to vote, then and in that case, any two of the judges not of the same political party may, at the request of such elector, mark and prepare his ballot for him, placing an (X) mark in the proper place and opposite the names of the candidates for whom such elector desires to vote. When the ballot so marked by the judges is properly prepared and folded it shall be given to the elector, who shall deliver it to the proper judge to be deposited in the ballot box, as in other cases. The judges assisting any such physically incapacitated elector in the preparation of his ballot, must not influence or attempt to influence such voter in the selection of candidates to be voted for, and any judge who has assisted any such elector, who shall divulge to any person the name of any candidate for whom such elector voted, shall be guilty of a misdemeanor.”

The Primary Election.—For the purpose of nominating party candidates, Idaho has adopted a Primary Election Law. This law enables every voter of each political party to cast his ballot for his choice of candidates, instead of having the party candidates nominated by delegate conventions, as was done in the past in Idaho, and is still done in many other states. “A political party, within the meaning of this act, is an affiliation of electors representing a political organization under a given name, which at the last pre-

ceding general election cast for any candidates on their ticket for office within the state at least ten per cent of the total vote cast for the candidates for the same office within the state and upon which ticket there were at least three nominees for state offices," (Session Laws, 1909, p. 197.) Any organization of voters which has not cast sufficient votes to be governed by the Direct Primary Election Law, must nominate their candidates by convention on the same day of the Direct Primary, the last Tuesday in July, 1912, and biennially thereafter.

How to Become a Candidate.—There are two ways in which a person may get his name upon the Direct Primary ballot to be voted upon. He may file, or have filed in his behalf, a nomination paper and pay the required fee, which amounts to \$2 when the salary of the office is \$300 or less, annually, and \$1 fee for each additional \$100 of salary; or he may present, or have presented, a petition signed by three per cent of the voters of his party in the state, including three per cent of such voters in at least four counties, if for a state office; or a petition signed by at least five per cent of such voters of the county, including five per cent of such voters in at least one-fourth of the precincts of the county, if for a county office. All candidates must make a sworn statement of their expenses during the primary campaign. No candidate for Congress, the United States Senate, or a state office, is allowed to expend in the campaign more than the equivalent of 25 per cent of the yearly salary of the office for which he is a candidate; no candidate for district judge may expend in the campaign more than 15 per

cent of the yearly salary; no candidate for a county office, more than ten per cent of the yearly salary; and no candidate for county commissioner or member of the Legislature, more than one hundred dollars.

Official Primary Ballot.—The form of the official primary ballot is prescribed by law, as are also the instructions to voters. (See Session Laws, 1911, p. 573.) Each voter receives a ballot of each party.

OFFICIAL PRIMARY BALLOT.

.....Party.County, Idaho

“Instructions: Mark only your party ticket. You may at your option vote for both first and second choice in case there are more than twice as many candidates as there are positions. To vote for a person for first choice make a cross (X) in the first square at the right of the name of the person for whom you desire to vote. To vote for a person for second choice make a cross (X) in the second square at the right of the name of the person for whom you desire to vote. You may vote for any qualified elector whose name is not printed on the ballot by writing the name of such person thereon under the appropriate heading and making a cross (X) in the proper square at the right of such name. Do not vote for the same person for both first and second choice. After marking the ballot hand it to a Judge to be placed in the ballot box for votes. Place the blank ballots of the other parties not marked, in the ballot box for waste ballots.

	1st Choice	2d Choice
FOR REPRESENTATIVE IN CONGRESS (Vote for one)		
WILLIAM SMITH		
FRED JUDSON		
JAMES POWELL		
FOR GOVERNOR (Vote for one)		
JAMES CHILDS		
RICHARD ROE		

Counting Votes and Determining Who Are Nominated.
—The Primary Election is conducted, and returns of it are made, as nearly as possible in the same manner as a General Election. The following paragraph from the Session Laws of 1911 tells who are to be declared nominees:

“Section 34. The person receiving the highest number, and not less than forty per cent of the first choice votes at a Primary Election as the candidate of the party for an office shall be the candidate of that party for such office, and his name as such candidate shall be placed on the official ballot at the following General Election; *Provided*, That if no candidate at the Primary Election shall receive as many as forty per cent of the first choice votes, then and in that event a canvass shall be made of the second choice votes received by the candidates for said office and said second choice votes shall be added to the first choice votes received by each candidate for such office, and the candidate receiving the highest number of first and second choice votes shall be the nominee for such office of the party nominating him, and his name as such candidate shall be placed on the official ballot at the following General Election; *Provided*, That if no second choice votes are cast for any candidate for such office the person receiving the highest number of first choice votes for such office shall be the candidate of his party for that office.”

Central Committees.—The law also provides that the nominees of each party for county offices shall meet at the county seat on the fifteenth day after the Primary Election, and elect a Central Committee of not less than one nor more than three members from each precinct in the county. It is the duty of this County Central Committee to choose its chairman, to take charge of the political campaign in the county, and to choose one member of the party in the county to serve as a member of the State Central Committee. The State Committee, made up of one member from each county, conducts the campaign in the State and calls a State

convention to choose delegates to the National Convention. It is the business of the National Convention to adopt the national platform of the party and to nominate candidates for President and Vice President.

SUGGESTIVE QUESTIONS.

1. In what precinct do you live?
2. Who is the registrar, or who was before the last election?
3. Where do the people usually vote in your precinct?
4. Do you think an educational or a property qualification for voting advisable?
5. Could the State make such a change? If so, how? If not, why not?
6. Some states permit persons to vote, who have declared their intention of becoming citizens. What do you think of the plan?
7. What is the advantage of the "Second Choice" in the Primary Elections?
8. How many political parties in Idaho, within the definition of "political party" in the Primary Election law?

CHAPTER III.

THE SCHOOL DISTRICT.

Need of Schools.—The United States government leaves public education to the laws of the states, but recognizing its importance in the perpetuation of a free government, has set aside sections 16 and 36 in every township in all the Western states to be sold and the proceeds used as a permanent school fund for the support of the public schools. Section 1 of the Ninth Article of the Constitution of Idaho says: "The stability of a republican form of government depending mainly upon the intelligence of the people, it shall be the duty of the Legislature of Idaho to establish and maintain a general, uniform and thorough system of public, free, common schools."

School Districts.—In accordance with this section of the State constitution, the Legislature has given the board of county commissioners power to divide the county into as many school districts as may be necessary, and to change the boundaries of such districts when the public welfare may demand it. A new district may be formed by the commissioners whenever they receive a petition signed by the parents or guardians of ten children of school age in such proposed new school district. Boundaries may be changed upon a petition bearing the signatures of at least two-thirds of those who are heads of families and residents of each district affected by the proposed change. Two or more districts may

be consolidated upon the petition of the majority of the heads of families in each district. A joint district, composed of territory in adjoining counties, may be organized by the approval of the boards of county commissioners of both counties. A district will lapse if it fails to maintain a school for at least four months in each year, to keep up its district organization, or has five pupils or less attending school for three consecutive months. When a district lapses, its territory shall be divided among adjoining districts by the county commissioners, and its property shall be sold by the county superintendent and the proceeds added to the county school fund. Each school district in this state is a body corporate by the name of "School District No.in the County of....., State of Idaho", and in such name, the representatives of the district, the board of trustees, may sue and be sued, buy and sell property, and make contracts the same as municipal corporations.

The Annual Meeting.—The annual meeting of the voters of the district shall be held on the third Monday in April. This meeting is for the election of one or more members of the board of trustees, and for the transaction of such business as may properly come before the voters. They may determine if a special tax for the support of the schools in their district shall be levied, and the rate of the levy, which shall in no case exceed fifteen mills on the dollar of assessed valuation. They shall determine the length of time that school shall be taught in their district for the ensuing year, which shall

not be less than five months in a district having less than twenty pupils of school age, nor less than six months in a district having between twenty and seventy-five pupils, nor less than nine months in a district having more than seventy-five pupils. They may also determine at what time or times of the year school shall be taught in the district.

Board of Trustees.—At the next regular election after a school district has been created, viz: the third Monday in April, the electors of that district shall choose their trustees by ballot, one to serve three years, one to serve two years, and the third to serve one year. Each succeeding year, by that plan there will be but one trustee to elect, unless there is a vacancy caused by resignation or otherwise. Before the first regular election in a new school district, the members of the board of trustees are appointed by the county superintendent to serve temporarily until the first election. All vacancies in the membership of the board of trustees in any school district, caused by death, resignation, or otherwise, shall be filled by appointment by the county superintendent to serve until the next regular election, at which time a trustee will be elected to serve the unexpired term.

Meetings of Board.—The regular meetings of the board of trustees of a school district are held on the last Monday of March, June, September, and December. They may hold such special or adjourned meetings from time to time, however, as they may determine upon. Immediately succeeding the regular election each year, they should choose a chair-

man and secretary for the year. Any two members of the board constitute a quorum for the transaction of business.

Duties and Powers of Trustees.—The board of trustees of each school district employ teachers on a written contract, fix their salaries, and order the same paid. No teacher may be employed unless he holds a valid certificate or permit to teach in the county or state. The board may discharge a teacher for neglect of duty, or other sufficient cause. They have charge of all school property, build or remove buildings upon a vote of the district and make all needed repairs about the school property. They shall maintain a school library, expending for that purpose not less than three per cent of the funds apportioned to their district. They shall provide a suitable flag staff and see that the United States flag, at least four feet by eight feet in size, shall be floated over the school house on such days as they may direct. They may fix the salary of the clerk of the board, and the rate of tuition for non-resident pupils of the county. They are also required by law to make an annual report of the condition of their district, financial and otherwise, on the first day of July.

School Census.—It is the duty of the clerk of the board of trustees to enumerate and make a list of all the children in his district between the ages of six and twenty-one years. All such children are said to be of school age. This enumeration shall begin on the first Tuesday and be completed and filed not later than the third Tuesday of September each

year. It means much to every district and to each taxpayer in the district, that this enumeration be made accurately, as the apportionment of school funds is based upon the number of children of school age in each district.

School Funds.—The State school fund consists of the proceeds of all lands granted by the general government to the State, known as school lands, and of all other lands, property, or money coming to the State from bequests, foreclosures, or the estates of citizens who die intestate. The income from this school fund is distributed semi-annually by the State Superintendent among the counties of the State in proportion to the number of children of school age. This income from the State school fund amounts at present to over two dollars annually for every child of school age in the State. The county school fund, which is kept and paid out by the county treasurer, is composed of the money distributed from the State, of the proceeds of a tax of not less than five nor more than ten mills on the dollar levied according to law by the county commissioners, and of all the fines and forfeitures paid into the county treasury. This county school fund is apportioned, quarterly each year, by the county superintendent, among the several districts as follows:

Apportionment of County School Fund. “Two-thirds (2-3) of the whole amount he shall apportion per capita among the several districts in proportion to the number of children in each district as shown by the last report of the census marshal of each district; *Provided:* That no district shall be considered as having less than twenty-five census pupils. Five (5) per cent of the remaining one-third (1-3),

or such of the same as may be needed, he shall apportion among the rural high school districts and districts organized under the consolidated plan which carry high school work, in proportion to the number of teachers regularly employed in such high schools. The amount apportioned to any such high school shall not exceed the sum of Three Hundred Dollars (\$300) in any school year for each teacher so employed in such high schools. Fifty (50) per cent of the remainder, or so much thereof as may be needed, shall be used for the relief of all districts organized under Article V of this Act which are unable to maintain the minimum term as provided in Article VI, Section 54 of this Act, when such districts, after having levied a special tax of five (5) mills, have not sufficient funds to maintain the minimum term. The County Superintendent shall be the judge as to the need of such districts. The balance of the whole amount remaining after such aid has been given shall be apportioned per capita among the several districts in proportion to the number of children in each district; *Provided*: That no district shall share in any of the distribution of public funds, as provided in this Section, unless said district shall have complied with the provisions of this Act. Immediately after such apportionment, the County Superintendent shall certify to the County Treasurer the amounts which are to be placed to the credit of each district, and notify the clerk of each district of the amount placed to the credit of his district." (Idaho School Laws, Sec. 67.)

Independent School Districts.—Whenever a school district has an assessed valuation to the amount of \$150,000 as shown by the last assessment roll, it may be organized as an independent school district. As such it enjoys certain privileges and powers not granted to the regular school district. It has a board of six members, two to be elected every year on the first Tuesday of September. This board has many powers not granted to the regular school board, such as the levying of a special tax not to exceed twenty mills on the dollar, and an additional ten mill tax where transportation is provided for pupils to and from school. Independent school districts are usually organized in towns and cities, where conditions are such that the board must have more power

since it has so many more duties to perform. When an independent school district employs thirty-five or more teachers, it is called a Class A Independent school district, and as such has the following powers not granted to the regular independent districts: To adopt a course of study, to adopt textbooks, and to employ a superintendent for a term not to exceed three years.

Boise, Lewiston, and Emmett.—Boise, Lewiston and Emmett school districts were granted special charters by the territorial legislatures, and these three school districts are still operating under their special charters which have been amended from time to time. These three districts are called Independent School Districts by Charter. In many ways the business of these three districts is conducted similar to other independent districts of the Class A. By their charters, however, they are given special laws in regard to their boards of trustees, powers and duties of the board, control of teachers and so forth.

Rural High Schools.—Two or more districts not having within their limits an incorporated city may by a majority in each district organize a rural high school district. For the supervision of such high school there is a board of five members, one to be elected each year, and all to hold office for five years. Such board has powers and duties similar to those of boards of trustees in other districts. Rural high schools are under the direct supervision of the State Board of Education. Any district may be segregated from a rural high school district by unanimous vote of the county commissioners upon petition of two-

thirds of those who are heads of families in such district wishing to be segregated.

Prevention of Disease.—Section 143 of the Idaho School Laws is as follows:

“The school trustees of the various school districts of the State shall not allow any pupil to attend the public schools while any member of the household to which such pupil belongs is sick of smallpox, diphtheria, scarlet fever, or other contagious or infectious disease, dangerous to the public health, or during the period of two (2) weeks after the death, recovery, or removal of such sick person; and any pupil coming from such household shall be required to present to the teacher of the school the pupil desires to attend, a certificate from the attending physician of the facts necessary to entitle him to admission in accordance with the above regulations.”

Any violation of the above section is deemed a misdemeanor.

Compulsory Education.—Section 160 of the School Law lays down the following rule in regard to the attendance of children at school:

“Section 160. In all school districts of this State, all parents, guardians, and other persons having care of children shall instruct them or cause them to be instructed in reading, writing, spelling, English grammar, geography, and arithmetic. In such districts, every parent, guardian, or other person having charge of any child between the ages of eight (8) and eighteen (18) years, shall send such child to a public, private, or parochial school for the entire school year during which the public schools are in session in such districts; *Provided, however:* That this chapter shall not apply to children over fourteen (14) years of age, where such child shall have completed the eighth (8) grade, or may be eligible to enter any high school in such district, or where its help is necessary for its own or its parents' support, or where for good cause shown it would be for the best interest of such child to be relieved from the provisions of this chapter; *Provided, further,* That if a reputable physician within the district shall certify in writing that the child's bodily or mental condition does not permit its attendance at school, such child shall be exempt during such period of disability from the requirements of this chapter. It shall be the duty of the superintendent of the school district if there be such superintendent,

and if not, then the county superintendent of schools, to hear and determine all applications of children desiring, for any of the causes mentioned here, to be exempted from the provisions of this chapter and if upon such application such superintendent hearing the same shall be of the opinion that such child for any reason is entitled to be exempted as aforesaid, then such superintendent shall issue a written permit to such child, stating therein his reason for such exemption. An appeal may be taken from the decision of such superintendent, so passing upon such application, to the probate court of the county in which such district lies, upon such child making such application and filing the same with the clerk or judge of said court, within ten days after its refusal by such superintendent, for which no fee to exceed the sum of One Dollar (\$1.00) shall be charged, and the decision of the probate court shall be final. An application for release from the provisions of this chapter shall not be renewed oftener than once in three months."

Teachers are required by law to report to their district or county superintendent the names of all children who come under the provisions of this section and are not in school. Parents or guardians who violate the provisions of this section may, upon conviction, be fined not to exceed three hundred dollars (\$300) or imprisoned in the county jail not to exceed six months, or by both such fine and imprisonment.

SUGGESTIVE QUESTIONS.

1. In what kind of district do you live, common, joint, consolidated, rural high, independent, Class A independent, or independent by charter?
2. When and how are trustees elected in your district?
3. Name the district trustees.
4. Who is the President or Chairman of the Board? The Secretary or Clerk?
5. Give the boundaries of your district.
6. When are the regular meetings of the school board?
7. How many children of school age in your district?
8. How many enrolled in school?
9. Does your district levy a special tax? If so, how much?
10. What are the advantages of "medical inspection" in schools?
11. Why has the State a right to compel the attendance of children at school?

CHAPTER IV.

MUNICIPAL CORPORATIONS.

Municipal Corporations.—Cities and villages demand many things in government which would be superfluous in rural communities, and therefore entirely out of place in general laws governing all citizens of the state. For that reason the Legislature has passed laws for the organization of city and village governments, and these laws determine in general the powers of such municipal corporations and how they are to be exercised. The general laws of the State concerning municipal corporations provide for the government of (1) cities of the second class, less than 15,000, and more than 1,000 inhabitants, and (2) villages, less than 1,000 and more than 200 inhabitants. There are no general laws for the government of cities of the first class, or those having more than 15,000 inhabitants.

Cities Under Special Charter.—The Territorial Legislature of Idaho granted a special charter to Boise for her government. This grant of special privileges to the Capital City was of such a nature that it cannot now be taken away by the State, except in violation of the United States Constitution, which prohibits a state from passing laws impairing the obligations of a contract. Boise's special charter partakes of the nature of a contract. Although it cannot be taken away by the Legislature, it can be amended only by that body. In the years 1907 and 1909, the charter was amended in many ways, and a

city government provided for, which varies greatly from the form previously in use. By the provisions of such charter at present, the city has a mayor chosen every two years, and four members of the council, two chosen every two years by the voters of the city, not by wards as is the usual method. A city treasurer is also elected for a term of two years. The other officers usual in a city of the size of Boise, are appointed either by the mayor, the council or both mayor and council.

Lewiston and Bellevue are also both operating under special charters, these having been changed from time to time to meet the needs of the respective cities for which they were made.

On February 23, 1912, since the above was written, Boise voted to adopt the Commission Form of Government. (See page 40.)

City of the Second Class.—Each city of the second class is divided into not less than two nor more than six wards, as nearly equal in area and containing as nearly an equal number of voters as possible. The council, or law-making body, of the city contains not less than four nor more than twelve members. Each ward is entitled to at least two members of the council, chosen by the voters of their respective wards for a term of two years. The council has power to make ordinances regulating billiard halls, bowling alleys, saloons, and gambling houses; make regulations to prevent the spread of contagious diseases; erect and maintain hospitals; prevent and remove nuisances; provide the city with water; establish night watch and police; provide for lighting

the streets; erect necessary buildings for the use of the city; maintain a fire department; and choose one of their own number as president of the council, who shall preside at all meetings of the council in the absence of the mayor.

City Officers.—At the general biennial city election, on the first Tuesday of April in odd years, there shall be elected a mayor, a clerk, a treasurer, a city engineer, and a police judge. The mayor with the consent of the council, shall appoint a city attorney and an overseer of the streets for two years, unless removed sooner by the advice and consent of the council. Regular policemen, to the number necessary, are chosen by the mayor with the consent of the council.

The Mayor has the superintending control of all the officers and affairs of the city, and it is his duty to see that all the ordinances of the city and the laws for its government are enforced.

The Policemen have power to arrest all offenders against either State or city law, by day or by night, in the same manner as a sheriff or constable, and keep them in the city prison until they can have trial before the proper officer.

The City Engineer shall make estimates of the cost of all labor and materials in the erecting of public buildings, laying out streets and sidewalks, or building culverts, bridges, and sewers, and he shall also make all the necessary surveys for them.

The Overseer of Streets shall, subject to the order of the mayor and council, have general charge of all

work on the streets and sidewalks and such other work as the mayor and council may require.

The City Clerk shall keep a record of all proceedings of the council, have custody of all laws and ordinances of the city and perform such other duties as provided by the city ordinances.

The City Treasurer is the custodian of all the moneys of the city and is required to keep a careful account of all funds in his possession, paying out money only as required by law.

The City Attorney is the legal advisor of the council and city officers, and is the attorney for the city in all cases in which it is a party.

The Police Judge has exclusive jurisdiction in all cases arising under the ordinances of the city, and jurisdiction concurrent with that given to the justice of the peace in all cases of misdemeanors under the laws of the State where such offenses occur within the city limits. Appeals may be taken from the police court to the district court.

The salaries of all city officers are fixed by city ordinance.

The Village.—All the corporate powers and duties of the village are vested in a board of five trustees, to be chosen every alternate year by the voters of the village. The village trustees have the same powers that are given the council of a city, only somewhat limited. They have power to appoint a village clerk, treasurer, attorney, and such night watch and police as may be necessary. The duties of these officers are the same as the duties of similar officers

in the city. The justices of the peace for the precinct in which a village, or any part of it, is located, have jurisdiction to try all offenses against the ordinances of the village.

Organization as a Village.—Whenever a majority of the taxable inhabitants of a town or village not incorporated shall petition the county commissioners for incorporation as a village, the county commissioners are empowered by law to declare such village duly incorporated, with such boundaries and under such name as they may designate. Five trustees are appointed to serve until the next regular biennial election, which is held on the first Tuesday of April of each odd numbered year. Any city of the second class containing more than fifteen hundred inhabitants may change to a village form of government by a petition of one-fourth of the qualified electors for an election, and a majority vote at such election in favor of the change. Any village may disincorporate by a two-thirds vote at a special election called for that purpose.

Organization as a City.—When three-fifths of the qualified voters of any village shall petition to change to a city of the second class, the village trustees may declare such village duly incorporated as a city of the second class. They then divide the village into wards, and at the next biennial election officers of a second class city are chosen. Upon the election and qualification of such officers, the village is declared by law to be duly changed to a city of the second class.

Commission Form of Government.—At the 1911 session of the State Legislature, a law known as the Black Law was passed providing that any city of over 2,500 inhabitants, upon a petition of twenty-five per cent of the qualified voters, may at a special election, vote upon the question of adopting the commission form of government. Under this plan all the functions of government of the city, legislative, executive, and judicial, are vested in a council of five members. One of these councilmen shall be known and elected as mayor, and shall hold office for two years. The other four members shall be elected for four years, two being chosen every two years. The executive and administrative powers of the city are distributed among five departments:

1. Department of Public Affairs.
2. Department of Accounts and Finances.
3. Department of Public Safety.
4. Department of Streets and Public Improvements.
5. Department of Parks and Public Property.

The mayor shall be superintendent of the department of public affairs, and each member of the council shall be assigned by that body to the position as superintendent of one of the other departments. The council has power to elect by majority vote such officers and assistants as may be needed in conducting the business of the city.

The regular election for mayor and councilmen is to be held on the first Tuesday of April in odd numbered years. At this election only those candidates who have received a majority are declared

elected. If at this election, all the offices are not filled then a second election is held three weeks later to fill the offices remaining unfilled by the first election. Only those shall be voted upon at the second election who receive nearest a majority in the first election and only twice as many candidates as there are positions to be filled.

Provision is also made in this law for the use of the initiative, the referendum and the recall in all cities adopting the commission form of government. (See Chapter XI, page 103). All general laws for the government of cities apply in cities adopting the commission plan except when in conflict with the provisions of the Black Law.

SUGGESTIVE QUESTIONS.

1. Name a city of the second class. Incorporated village.
2. Do you know of any village which is unincorporated?
3. If you live in a city or village, name all its officers.
4. If the Constitution guarantees a trial by jury, why is it not allowed in police courts?
5. Name some act which would be in violation of a city ordinance, and not of a State law.
6. Name some act which would be in violation of both city ordinance and State law.

CHAPTER V.

THE COUNTY.

The County and Its Officers.—The county is the principal unit of local government in Idaho. The officers of the county are: County commissioners; sheriff; county treasurer, ex-officio public administrator; county superintendent of public instruction; county assessor, ex-officio tax collector; coroner; surveyor; clerk of the district court, ex-officio auditor and recorder; and prosecuting attorney. In addition to the foregoing, the law also provides for two justices of the peace and a constable in every precinct of the county. A careful study of the powers and duties of the various county officers will give the best idea of the scope of county government.

Board of County Commissioners.—The board of county commissioners consists of three members elected for a term of two years. The county is divided into three districts, as nearly equal in area and population as possible. There is one commissioner from each district, but all are voted upon by the whole county. Their duties and powers are as varied as they are important. They have full charge of all county property; levy taxes; divide the county into necessary precincts, school and road districts; provide for elections; act as a county board of equalization; fix the compensation of all county officers not otherwise fixed by general statute; fill by appointment vacancies in all county and precinct offices except the office of county commissioner; and

perform all such other duties as may be necessary to the chief executive authority of the county. They also act as a canvassing board to canvass the returns of elections of all county officers. (See Chapter II, page 19). The county commissioners together with a county physician appointed by them, constitute the county board of health. Vacancies in the board are filled by appointment by the Governor.

The Sheriff.—The duties of the sheriff are: To preserve the peace; make arrests; prevent and suppress breaches of the peace, riots and insurrections; attend all courts held in the county, except justice of the peace and probate courts, and obey their lawful orders and directions; take charge of the county jail; command the aid of as many male inhabitants as necessary in the execution of his duties; serve all process and notices; and perform such other duties as are required by law.

The County Treasurer.—It is the duty of the county treasurer to receive and keep an exact record of all moneys belonging to the county, pay out such money only upon warrants issued by the county auditor, based on appropriations made by the board of county commissioners and keep an exact account of all funds so expended. He is also required to be the custodian of the funds of all the school districts and good road and highway districts in the county, and pay out the same upon a proper warrant.

Probate Judge and Court.—The jurisdiction of the probate court, presided over by the probate judge, is of two kinds. It has original jurisdiction in all cases of wills or inheritance of property, of

appointment of guardians for minors and incompetent persons and their estates, and of the administration of the estates of deceased persons. The probate judge also has jurisdiction, concurrent with the justice of the peace in all criminal cases and in all civil cases where the amount in controversy does not exceed \$500. The probate judge is also the judge of the juvenile court in his county. This court is for the purpose of examining youthful offenders or as the law terms them "Delinquent Children" and "Juvenile Disorderly Persons."

Delinquent Child Defined.—Section 152 of the State school laws reads in part as follows: "The words 'delinquent child' shall include any child under the age of eighteen (18) years who violates any law of this State, or any city or village ordinance; or who is incorrigible or who knowingly associates with thieves, vicious, or immoral persons; or who is growing up in idleness or crime, or who knowingly visits or enters a house of ill-fame; or who knowingly patronizes or visits any policy shop or where gambling device is, or shall be operated; or who patronizes or visits any pool room or bucket shop, or who wanders the streets in the night time without being on any lawful business or occupation; or who habitually wanders about any railroad yard or tracks, or who jumps or hooks on to any moving train, or enters any car or engine without lawful authority; or who habitually uses vile, obscene, vulgar, profane or indecent language or who is guilty of immoral conduct in public places or about any school house. Any child committing any of the acts

herein mentioned shall be deemed a juvenile delinquent person, and shall be proceeded against as such in the manner hereinafter provided."

Juvenile Disorderly Persons Defined.—Section 161 of the same law reads: "Every child within the provisions of this chapter who does not attend school, as provided in the preceding chapter. (See Chapter III, Compulsory Education) or who is in attendance at any public, private, or parochial school, and is vicious, incorrigible, or immoral in conduct, or who is an habitual truant from school, or who habitually wanders about the streets and public places during school hours without lawful occupation or employment, or who habitually wanders about the street in the night time, having no employment or lawful occupation, shall be deemed a juvenile disorderly person, and be subject to the provisions of this chapter."

Proceedings Against Such Children.—Delinquent children or juvenile disorderly persons may be dealt with in such manner as the probate judge may think best. If the child can be reformed by mild measures, such are usually adopted, but if not, the child may be sent to the Industrial School at St. Anthony. Counties that have five thousand children of school age may have two probation officers; all other counties have but one. These officers are appointed by the probate judge. It is their duty to see that all children attend school according to law, and to bring delinquent children and juvenile disorderly persons before the probate judge to answer for their misconduct. Parents or guardians who en-

courage or "contribute to delinquency" may be dealt with severely upon conviction. (See Chapter III, page 34).

County Superintendent of Public Instruction.—In the general management and control of the schools of the county, the superintendent of public instruction has a great variety of duties. The county superintendent is required by law to visit each school in his county at least once each term for at least half a day. He may, if necessary, require the district trustees to keep the school property in good repair. He must give regular and special examinations to those who wish to secure certificates to teach. It is his duty to apportion the school fund among the various districts of the county according to law. He must keep a complete record of his official acts, file all papers, reports and statements from teachers and school boards, and make such reports to the State Superintendent as the latter may require by law. (For other duties of the county superintendent see the Chapter on Schools.)

The Assessor and Collector.—In many states the assessor is a township officer. In Idaho he is a county officer, and it is his duty to make an assessment of all property in the county for the purpose of taxation. He is ex-officio tax collector, and as such must collect all the taxes for not only the county, but the tax levied in his county for state purposes, and all taxes of cities, towns, villages, and school districts. (See Chapter XI, Taxation). A proposed amendment to the Constitution will be voted upon

in 1912, which if adopted will make the county treasurer the tax collector.

The Coroner.—It is the duty of the coroner to act as sheriff in all cases where that officer is personally interested or is incapacitated from serving, or in case of vacancy in the office of sheriff, until another can be elected or appointed. The coroner is also required to hold an inquest over the dead body of any person who is supposed to have met death by unlawful means, or the cause of whose death is unknown, and he may summon a jury of six to inquire into such death, and upon their verdict, cause to have arrested and brought to trial any one charged with having caused the death. In case of temporary vacancy in the office of coroner, any justice of the peace in the county may perform the duties of coroner.

Surveyor.—The county surveyor shall make all surveys as he shall be ordered by the court, or requested by any person. He shall establish by survey all necessary boundary lines and keep a full record of all surveys made by him.

Clerk of the District Court.—The clerk of the district court is ex-officio county auditor, clerk of the board of county commissioners, and recorder of deeds. As clerk of the district court it is his duty to perform all services required of him by the rules and practices of the courts, and keep a full record of all lawsuits, filing and preserving all papers filed in his court. As county auditor it is his duty to keep a record of all moneys of the county, and issue warrants upon order of the county commissioners. As

clerk of the board of county commissioners, he must keep a complete record of all the proceedings of that board. As recorder of deeds he is required to keep a complete record of all deeds, mortgages, contracts, liens, wills, and such other documents as the law may require shall be recorded.

Prosecuting Attorney.—The duties of the prosecuting attorney are: To prosecute or defend all lawsuits to which the people of the state or county are a party; to prosecute all criminal cases before the probate or justice of the peace courts when called upon to do so; to give legal advice to the county commissioners; to attend meetings of the grand jury when so requested; and such other duties as are prescribed by law.

The Precinct and Precinct Officers.—The county commissioners are empowered by the laws of the State to divide the county into as many precincts as convenience requires. The officers of the precinct are: two justices of the peace and one constable, chosen at the regular general election by the voters of the precinct for a term of two years. In those states which provide for townships, justices of the peace and constables are township officers. In Virginia the county is divided into magisterial districts, each with its three justices of the peace and one constable. In Idaho the same idea is carried out by having two justices of the peace and one constable. In many precincts there is so little judicial business, that often only one justice of the peace qualifies, and sometimes none. It will be seen that the object in having such officers as justice of the peace and

constable in these small divisions of the county, is to bring justice as it were to every man's door, and to provide a proper executive officer to see that the law is enforced.

The Justice of the Peace.—The justice of the peace has jurisdiction in all criminal cases arising from lesser crimes committed anywhere in the county. These crimes are: petit larceny, assault and battery (not upon an officer in the discharge of his duty), breach of the peace, riots, affrays, injury to property, and other misdemeanors punishable by a fine not to exceed \$300 or imprisonment in the county jail not to exceed six months, or both such fine and imprisonment. In all civil cases the justice of the peace has jurisdiction where the amount in dispute is not more than \$300 including interest, and where the title to real estate is not in question. The justice of the peace may also hold "preliminary trials" for one accused of a felony and if enough evidence is given to show probable guilt the accused person is bound over to trial in the district court upon information filed by the public prosecutor. In such cases the justice of the peace determines whether bail is to be allowed and the amount of the same.

The Constable.—The constable must attend the courts of the justices of the peace within his precinct and serve such notice and make such arrests and summons as the justices of the peace may direct. The constable is the ministerial officer of the justice of the peace court just as the sheriff is of the district court in his county. He is the con-

servator of the peace in his precinct just as policemen are in a city or town. Both justice of the peace and constable are paid for their services by fees established by law.

Road Districts.—The county commissioners are authorized to divide the county into as many road districts as seem advisable and to appoint for each a road supervisor. For the building and the repair of the roads of the county the commissioners may levy a special property tax of not to exceed ten mills on the dollar and also a poll tax of not to exceed four dollars on each male citizen between the ages of 21 and 50. When such poll tax is levied, seventy-five per cent of the amount collected in any highway district, incorporated city or village, shall be turned over to such district, city or village.

Good Road and Highway Districts.—The Legislature has made provision for the organization in any county of good road districts and highway districts. Such districts are created by petition to the county commissioners, and a special election called by that body to be held in the proposed new district. When such districts are created the work of building and maintaining roads is carried on by a board of three good road or highway commissioners, chosen by the taxpayers of the district.

Salaries of County Officers.—The salaries of the county commissioners are set by law. For this purpose the counties of the State are divided into three classes. The counties of the largest population compose the first class and in them the county commis-

sioners receive \$700 annually. In the second class counties, the county commissioners receive \$500 and the third class counties, \$300. In addition to their salary, they also receive their traveling expenses to and from the county seat. The county commissioners are empowered by law to fix the salaries of the various county officers, but within the minimum and maximum as fixed by the Legislature:

Sheriff, minimum \$800, maximum \$2,000.

Clerk of the district court, minimum \$800, maximum \$2,000.

Assessor, minimum \$800, maximum \$3,000.

Treasurer, minimum \$500, maximum \$1,500.

Prosecuting attorney, minimum \$500, maximum \$1,500.

Probate judge, minimum \$500, maximum \$1,500.

County superintendent, minimum \$1,000, maximum \$2,000.

Surveyor, minimum \$50, maximum \$800.

Coroner, minimum \$50, maximum \$300.

Fees.—All the county officers are required by law to charge fees for nearly all their services, but these fees must all be turned into the county treasury.

Counties and County Seats.—Following is a list of the counties of Idaho, with their county seats. The county seats of Adams and Lewis counties are temporary, as established by the Legislature. Permanent county seats in these two counties will be chosen by the people of each county at the regular election in 1912. Study the following list in connection with a good map of the State:

<i>County.</i>	<i>County Seat.</i>	<i>County.</i>	<i>County Seat.</i>
Ada	Boise	Fremont	St. Anthony
Adams	Council	Idaho	Grangeville
Bannock	Pocatello	Kootenai	Coeur d'Alene
Bear Lake	Paris	Latah	Moscow
Bingham	Blackfoot	Lemhi	Salmon City
Blaine	Hailey	Lewis	Nez Perce
Boisce	Idaho City	Lincoln	Shoshone
Bonner	Sandpoint	Nez Perce	Lewiston
Bonneville	Idaho Falls	Oneida	Malad
Canyon	Caldwell	Owyhee	Silver City
Cassia	Albion	Shoshone	Wallace
Clearwater	Orofino	Twin Falls	Twin Falls
Custer	Challis	Washington	Weiser
Elmore	Mountainhome		

SUGGESTIVE QUESTIONS.

1. Name the county commissioners. Which one is from your Commissioner's district?
2. Name the other county officers.
3. Do you know any of them personally?
4. Who is the County Physician?
5. Where is the county poor farm located? Who has the control of it?
6. Why are children who violate the law dealt with in a different manner from those who are older?
7. If you had a claim against the county, what would you do to get your money?
8. Who are the justices of the peace in your precinct?
9. If some one should steal your horse, and you knew who it was, how could you proceed to have him arrested?
10. What are the boundaries of your county?
11. Who is the road overseer of your district? How is he appointed? What are his powers?
12. Do you live in a good road district or a highway district? If so, who are the commissioners?

CHAPTER VI.

THE JUDICIAL DISTRICT.

The Judicial District.—The State of Idaho is at present (1912) divided into nine judicial districts as follows:

First District, Shoshone county.

Second District, Latah, Nez Perce, Idaho, Clearwater, and Lewis counties.

Third District, Ada, Boise, and Owyhee counties.

Fourth District, Elmore, Blaine, Cassia, Lincoln, and Twin Falls counties.

Fifth District, Bannock, Bear Lake, and Oneida counties.

Sixth District, Bingham, Custer and Lemhi counties.

Seventh District, Canyon, Washington, and Adams counties.

Eighth District, Bonner and Kootenai counties.

Ninth District, Bonneville and Fremont counties.

District Judge.—One district judge is elected every four years (on even years not leap years) in each judicial district, except the Third, Fourth, and Eighth, which, on account of the volume of their business, were each granted two judges by the Legislature of 1911. Where there are two judges in one district, they are said to have concurrent jurisdiction, and hold court at such times as designated by

the senior judge in point of service, or if both judges were elected at the same time, then by the senior judge in age. The law requires that court shall be held in each county at least twice each year. In addition to the regular court business, the district judge may be applied to for various writs and orders. Such work is spoken of as his powers *in chambers*. Another very important duty of the district judge is that he is required by law to report in writing on or before the first day of July in each year, such defects or omissions in the law of the State as his experience shall suggest. These defects are reported by him to the Supreme Court, and by the Supreme Court to the Governor, and by the Governor to the Legislature so they may be remedied.

Qualifications and Disqualifications.—No one may serve as district judge unless he be learned in the law, a citizen of the United States, thirty-six years of age, a resident of the State at least two years, and at the time of his election an elector in the district in which he is chosen. When a district judge is related to, or has been acting as the attorney for, one of the parties to a suit, he is disqualified to try that case. He must call in a judge from a neighboring district to try the case, or the parties to the suit may agree upon some lawyer, who may be sworn in to act as judge *pro tempore*.

Jurisdiction of the District Court.—The district court is said to have concurrent jurisdiction in all cases begun in the lower courts, because such cases may, if it be so desired, be begun in the district court.

The district court has appellate jurisdiction in all of these cases, because an appeal may be taken from any one of the lower courts to the district court. Since all cases both of law and equity may be begun in the district court, it is said that the original jurisdiction of this court extends to all cases. The exclusive jurisdiction, however, of the district court, extends only to those cases which are not within the jurisdiction of the lower courts, such as felonies, and civil cases where the amount in question is over \$500. Any case decided by the district court may be appealed to the State Supreme Court.

Kinds of Actions at Law.—In Idaho, there are but three kinds of actions at law. They are: 1. Criminal actions, in which the State is the plaintiff and the party charged with crime is the defendant. 2. Civil actions, including what are known as cases in equity in many states, in which the party bringing suit is the plaintiff, and the party sued is the defendant. 3. Probate business. The last named is attended to almost exclusively by the probate court. The manner of procedure in all actions at law is practically the same in all the states. There are some points, however, in which the laws of Idaho are not the same as in many states.

How Brought to Trial.—In Idaho, there are two ways in which one accused of crime may be brought to trial. He may be indicted by a grand jury, or he may be held to trial upon information by the public prosecutor, after having had a preliminary trial before some magistrate. In cases of breach of the peace, misdemeanor, or any other case cognizable by the probate or justice of the peace courts, one

may be brought to trial merely upon the sworn complaint of some party interested. The accused must then either go to jail or furnish bond or bail for his appearance at the trial. One accused of a capital offense may not secure bail, if the proof is evident or the presumptive great (State Constitution, Art. 1, Sec. 6.).

Trial by Jury.—Article 1, Sec. 7, of the State Constitution gives the provisions in regard to the number of a trial jury. A felony is a crime punishable by death, or imprisonment in the state penitentiary. A misdemeanor is a lesser crime, usually punishable by fine or imprisonment in the county jail. The jury panel is drawn by the county auditor from a list of 150 names which is furnished him by the county commissioners from the poll lists of the county. These names are placed in a box, well shaken up, and then enough names drawn out for jury duty. In order to secure an impartial jury, any man may be excused for good cause from serving. In addition to this, both parties to the suit are allowed peremptory challenges, or the right to excuse a man from jury duty without stating any reasons. In a case where the offence charged is punishable by death or imprisonment for life, the defense has the right of ten peremptory challenges, and the state ten. In all other criminal cases both parties have six challenges, and in all civil cases, four.

Jurors: Qualifications, Disqualifications, and Exemptions.—The following sections from the Revised Codes of Idaho give the qualifications and disqualifications of jurors, and those persons exempt from jury duty:

Qualifications of Jurors.

Section 3941. A person is competent to act as a juror if he be:

1. A citizen of the United States and an elector of the county;
2. In possession of his natural faculties and not decrepit;
3. Possessed of sufficient knowledge of the language in which the proceedings of the courts are held.

Disqualifications of Jurors:

Sec. 3042. A person is not competent to act as a juror:

1. Who does not possess the qualifications prescribed by the preceding section.
2. Who has been convicted of a felony or misdemeanor involving moral turpitude.

Exemptions from Jury Duty:

Sec. 3934. A person is exempt from liability to act as a juror if he be:

1. A judicial, civil or military officer of the United States or of the State of Idaho.
2. A person holding a county office;
3. An attorney and counsellor at law;
4. A minister of the gospel or a priest of any denomination;
5. A teacher in a college, academy or school;
6. A practicing physician;
7. An officer, keeper or attendant of an almshouse, hospital, asylum, or other charitable institution.
8. Engaged in the performance of duty as officer or attendant of a county jail or the State prison;
9. An express agent, mail carrier, telegraph operator, telephone agent, or keeper of a public ferry or toll station.
10. A dispensing druggist of a prescription drug store.
11. A superintendent, engineer, conductor, fireman, or station agent of a railroad.
12. A person drawn as a juror in the District Court, and who has served as such within a year; but this exemption shall not apply to a person who is summoned on a special venire, or to serve as a juror in the probate or justice court.

The Grand Jury.—The grand jury is drawn in the same way as the petit or trial jury upon order of the district court. It consists of sixteen men, and its duty is to inquire into public offences. Its deliberations are in secret, and it may compel the attend-

ance of witnesses, as also the services of the public prosecutor in questioning witnesses. If upon investigation, the grand jury finds there is sufficient evidence to indicate that the accusations against a certain person are true, and that he has committed a public offense, it returns what is called "a true bill", or indictment. Then the person accused must answer for trial in the district court, upon the charges named in the indictment.

SUGGESTIVE QUESTIONS.

1. In what judicial district do you live?
2. Who is the judge, or who are the judges of your district?
3. When is court usually held in your county?
4. What is the difference between criminal and civil law suits? Illustrate.
5. Define plaintiff. Defendant. Who is always the plaintiff in criminal cases?
6. Name five crimes which are felonies. Five which are misdemeanors.

CHAPTER VII.

THE STATE OF IDAHO .

Idaho.—Idaho, the Gem of the Mountains, the Forty-third state to be admitted to the Union, is a part of that territory which was once known as the Oregon Country. By the Treaty of 1819, the United States compelled Spain to give up her claim to all of the Pacific slope north of the 42nd degree of latitude. By the Treaty of 1824, Russia was confined to the territory north of 54 deg. 40 min. The wonderful country between, the untold wealth and resources of which are just beginning to be unfolded, was left in dispute between Great Britain and the United States. The claims of the United States upon the Oregon country were: (1) Discovery by Captain Gray in 1792; (2) first exploration by Lewis and Clark in 1805; (3) first settlement by Astor near the mouth of the Columbia in 1811; (4) first permanent settlement in the Willamette valley in 1832. The dispute over this vast territory threatened at one time to result in war between Great Britain and the United States, but in June, 1846, a compromise was agreed to by President Polk, establishing the 49th parallel as the north boundary of the United States. Thus the territory, out of which have been carved the states of Washington, Oregon, and Idaho, became the undisputed possession of the United States. Almost immediately a tide of immigration set in from all parts of the Union, so that on March 3, 1863, Idaho was organized as a territory. The history of the Territory of Idaho is suf-

ficient for a wonderful volume, and cannot even be touched upon in these few lines.

Admission as a State.—July 4, 1889, a convention met in Boise for the purpose of framing a state constitution. On the 6th day of August this constitution was signed by the delegates, and on the Tuesday next after the first Monday in November, it was ratified by the people of the Territory by a large majority. The Act of Admission was passed by Congress, and signed by President Harrison on July 3, 1890. The Constitution then went into effect. Governor Shoup issued a proclamation on July 18, 1890, calling an election on October 1, 1890, for the purpose of electing all state and county officers provided for by the constitution. Within thirty days after the election, these officers qualified, and the new State government was in complete working order. The first Legislature, upon call of the Governor met on the 8th day of December, 1890, and remained in session until the 14th day of March, 1891, in that time building the frame work of the statutory laws of Idaho.

State Boundaries.—Section 2 of the Idaho Admission Bill describes the boundaries of the State as follows: "Beginning at the intersection of the thirty-ninth meridian with the boundary line between the United States and the British possessions; then following said meridian south until it reaches the summit of the Bitter Root mountains; thence southeastward along the crest of the Bitter Root range and the Continental divide until it intersects the meridian of thirty-four degrees of long-

itude; thence southward on this meridian to the forty-second parallel of latitude; thence west on this parallel of latitude to its intersection with a meridian drawn through the mouth of the Owyhee river; north on this meridian to the mouth of the Owyhee river; thence down the mid-channel of the Snake river to the mouth of the Clearwater River; and thence north on the meridian which passes through the mouth of the Clearwater to the boundary line between the United States and the British possessions; and east on said boundary line to the place of beginning."

Preamble to the State Constitution.—"We, the people of the State of Idaho, grateful to Almighty God for our freedom, to secure its blessings and promote our common welfare, do establish this constitution." Compare this preamble with the preamble of the United States Constitution. "Grateful to Almighty God." That does not establish a religion, nor require that anyone must believe in a God, but it does say that the people of Idaho recognize that there is a God, and that they are thankful to Him for their freedom.

Declaration of Rights.—In reading the Declaration of Rights of the people of Idaho one is struck by their great similarity to certain sections of the United States Constitution, and especially to the first ten amendments to that great document. The declarations of rights in both these constitutions, as well as similar declarations in all state constitutions, are based upon four great documents in English history. They are: The Great Charter, or Magna Carta, obtained from King John in 1215;

the Petition of Rights, obtained by Parliament from Charles I in 1629; the Habeas Corpus Act, passed in 1679; and the Declaration of Rights passed by Parliament at the time of the final triumph over the Stuart kings, and before William and Mary were permitted by it to ascend the throne of England. Thus we see that our declarations of rights are but a repetition of the ancient rights of the English speaking people. A decision of the United States Supreme Court says that the declaration of rights in the first ten amendments of the United States Constitution, apply only to the United States laws and officers. For this reason, we see these same declarations placed in the State constitutions. Turn now, and read all of Article I of the State Constitution.

The State Seal.—The Great Seal of the State of Idaho was made from a design drawn by Miss Emma Edwards, now Mrs. James G. Greene, of Boise City. It is in the custody of the Secretary of State, and must be affixed to all commissions and many documents, in order to establish their validity and legality.



Departments of Government.—All the powers of government in the State of Idaho are vested in three departments, the Legislative, the Executive, and the Judicial. In the State, as in the United States, an effort is made to keep these departments as nearly independent of one another as possible.

CHAPTER VIII.

LEGISLATIVE DEPARTMENT.

Senate and House of Representatives.—The Legislative Department of the government of the State of Idaho consists of a Senate and a House of Representatives, and all legislative powers are vested in them. The State Constitution at present provides that the Senate shall never have in it more than twenty-four members, and the House of Representatives never more than sixty members. In the Legislature of 1913 there will be twenty-four Senators and sixty Representatives, according to the apportionment made by the Legislature of 1911. Clearwater and Lewis counties together choose one senator; Adams and Washington counties, one; and Bonneville and Bingham counties, one. Every other county in the State is entitled to one senator. The apportionment for the House of Representatives in the 1913 Legislature is as follows:

Ada County, five members.
Adams County, one member.
Bannock County, three members.
Bear Lake County, two members.
Bingham County, two members.
Blaine County, two members.
Boise County, one member.
Bonner County, three members.
Bonneville County, two members.
Canyon County, five members.
Cassia County, one member.

Clearwater County, one member.
Custer County, one member.
Elmore County, one member.
Fremont County, four members.
Idaho County, two members.
Kootenai County, four members.
Latah County, three members.
Lemhi County, one member.
Lewis County, one member.
Lincoln County, two members.
Nez Perce County, two members.

Oneida County, three members.

Owyhee County, one member.

Shoshone County, three members.

Twin Falls County, three members.

Washington County, one member.

At the general election in 1912, the people of Idaho will vote upon a proposed amendment to the Constitution, which provides that each county in the State shall always have one senator, and that the number of representatives shall never exceed three times the number of senators.

Election and Qualifications of Members.—The members of the Legislature are elected by the qualified voters of the State at the general election held on the Tuesday after the first Monday in November of even years, and hold office for two years from the first day of December next following their election. Members of the Legislature usually take their oaths of office the first day of the regular session following their election. No one can be a senator or a representative, who is not a citizen of the United States, a qualified elector in the State, and an elector in the district or county from which he is chosen for a year next preceding his election.

Privileges of Members.—In all cases except treason, felony, or breach of the peace, senators and representatives are privileged from arrest during the session of the Legislature, and while going to and from the same. No member is liable to a civil process of any kind during the ten days before the convening of the Legislature, or during its session. No member shall be questioned in any other place for words uttered in debate in the Legislature. A member of the Legislature, while the same is in session,

is a representative of the people. Every safeguard is placed about him to protect the interests of the people. His private affairs must give way during that time to the interests of his constituents. The further provision relative to debate insures absolute freedom of speech in the Legislature concerning both men and legislation. It is a crime also for a paid lobbyist to attempt to influence the vote of a legislator.

Salary of Members.—Members of both houses of the Legislature receive five dollars a day for their services, but in order to prevent their continuing in session unnecessarily long, the Constitution provides that not more than \$300 be allowed any one member. If the session of the Legislature continues for a longer period than the sixty days, the lawmakers receive no extra pay. Each member is also allowed ten cents a mile for each mile he must travel going to and from the Legislature by the usual route. The presiding officers receive additional pay, equal to one-half their per diem allowance.

Sessions.—The regular sessions of the Legislature are held every odd year commencing on the Monday after the first day of January, and continuing usually for sixty days. A special session may be called at any other time by the Governor, in case of urgent demand, and such special session may continue not longer than twenty days, unless the members wish to serve without pay. Only such business may be transacted at the special session as is set forth by the Governor as his reasons for calling such special session. All sessions of the Legislature must be held at the Capitol at Boise. A beautiful

Capitol building is in process of erection, and when completed, will provide ample accommodations for the two Houses of our law making body, as well as for all other State officials.

Officers and Attaches.—The officers and attaches of the Senate are a president, a secretary, a sergeant at arms, a chaplain, a messenger, clerks and pages. Those of the House are the same, except that the presiding officer is called the speaker, and the second officer is called the chief clerk. All these officers and attaches are elected by each house, except the president of the Senate, who is the Lieutenant Governor. In the absence of the president of the Senate, that body chooses a president pro tem. The Lieutenant Governor, when presiding, gets no vote except in case of tie. The speaker of the House is a member of that body and has a right to vote on all measures the same as other members. None of the other officers or attaches named are members of either house.

Duties of Houses Separately.—In addition to the choosing of the officers and attaches just named, each House is the judge of the elections, qualifications, and returns of its own members. Each House also adopts parliamentary rules to govern its procedure. Any member may be expelled by a two-thirds vote if good cause is shown. Each House must keep a journal of its proceedings, and in it shall be recorded the “yeas” and “nays” upon any question, when any three members request it, and upon all votes upon the final passage of a bill. A majority of each House constitute a quorum to do business, but a smaller number may adjourn, or

compel the attendance of other members by sending the sergeant at arms after them. Neither House may adjourn to any other place, nor for more than three days without the consent of the other House. Such a provision is a wise one as it lessens the chance for delay in the work of legislation because of unnecessary or long adjournments by either House.

How a Bill Becomes a Law.—All bills may originate in either House, except bills for raising revenue, which much originate in the House of Representatives. A certain part of every session is set apart for the introduction of bills. At this time, members wishing to introduce bills send them to the clerk, who reads them by title and the presiding officer refers them to the appropriate committee. It would be impossible for all bills to be considered by the House as a whole. Instead, committees are appointed, each committee to have under consideration a certain class of bills. These committees inquire into the merits of the proposed legislation assigned them and report to their respective Houses. Unimportant bills may be disposed of in this way by committees, and not take up the time of the whole House to consider them. When a bill is reported by a committee, it is then printed, and put upon its readings. Every bill, besides being printed, with all its amendments, must be read upon three separate days, before a final vote is taken. In case of urgency, the three readings on three separate days may be dispensed with, but only by a two-thirds majority on a "yea" and "nay" vote. The final vote on all bills must be by "yeas" and "nays". No bill is considered passed

unless a majority of the members present vote in favor of it.

When a bill is passed in the first House, it is signed by the presiding officer, and sent to the other House, where it must go through the same process, except the printing. If it passes the second House, it is signed by the presiding officer, and sent to the Governor for his signature. If the bill is in any way amended in the second House, it must go back again to the House where it originated. The two Houses must agree upon exactly the same provisions and words, before the bill can go to the Governor for his consideration. Often it is necessary for the two Houses to appoint a conference committee to agree upon certain features of a disputed measure, and report to their respective Houses in the hopes of reaching an agreement.

If the Governor signs the bill, it becomes a law in sixty days after the close of the session, unless an emergency is declared in the bill, in which case it may go into effect earlier, even immediately upon its final approval. If the Governor does not approve of the bill, he must return it with his objections to the House in which it originated. His objections are recorded on the journal, and then the House proceeds to reconsider the bill. If the measure is then passed by a two-thirds vote of both Houses, it becomes a law without the signature of the Governor. Any bill which shall not be returned by the Governor in five days (Sundays excepted) after it has been presented to him, is a law the same as if he had signed it, unless the Legislature prevent its return by adjournment. Upon the ad-

journalment of the Legislature, all bills which the Governor wishes to veto, must be filed with his objections in the office of the Secretary of State within ten days after the close of the Legislature, or they become law.

Miscellaneous Provisions.—No laws shall be passed except by bill. That is to say, no resolutions are laws. The enacting clause of every bill must read: "Be it enacted by the Legislature of the State of Idaho." The subject matter in a bill must be clearly expressed in the title. This is to avoid the possibility of passing any measure unawares, by having it tacked to another as an amendment. All laws must be as clearly worded as possible. The Legislature may propose amendments to the Constitution by a two-thirds vote of both Houses; when such amendments are ratified by a majority of the votes at a general election, they become a part of the Constitution. The Legislature may also, if it thinks advisable, provide for calling a convention for the purpose of proposing amendments to the Constitution. The Legislature may ratify an amendment to the United States Constitution, when submitted to it by the United States Congress. (See U. S. Constitution, Art. V.) The Legislature is prohibited by the Constitution from passing special laws in a good many cases. A special law is one affecting only a few persons, or a certain county or locality. The business of the Legislature is to make laws for all people, not for a few. Read Article III, Section 19, of the State Constitution.

SUGGESTIVE QUESTIONS.

1. Have you ever visited the Legislature while in session?
2. Name the state senator from your county.
3. Name the representative or representatives from your county.
4. Why should the State build a beautiful and expensive Capitol building?
5. A member of the Legislature cannot accept an office created by the Legislature of which he is a member. Why?
6. The Legislature has neither executive nor judicial officers over it; only the constitution. Explain why.

CHAPTER IX.

EXECUTIVE DEPARTMENT.

The Executive Department.—The Executive Department consists of a Governor, a Lieutenant Governor, a Secretary of State, a State Auditor, a State Treasurer, an Attorney General, and a Superintendent of Public Instruction. (Art. IV, Sec. 1). Their term of office is two years, beginning on the first Monday in January after their election. They are elected by the qualified voters of the State at the general election, the Tuesday after the first Monday in November of even numbered years. In case of a tie vote for any of these offices, it is the duty of the Legislature, immediately upon assembling, to select for the office one of the candidates receiving a tie vote.

Qualifications for State Offices.—No one is eligible to any of the above named offices unless he is a citizen of the United States, and for two years next preceding his election a resident of the State. The Governor and the Attorney General must be at least thirty years of age, and all the others at least twenty-five. The Attorney General must also have been admitted to practice in the Supreme Court of the State or Territory, and be in good standing at the time of his election. There are good reasons for these required qualifications. No one but a citizen should be put into such responsible positions, and no matter how well qualified, or of how high standing in the nation, no man should be chosen for a

State office, until he has made his home in the State for at least two years, and by that residence become thoroughly familiar with the affairs of the State. We also feel that we can more safely trust the business of the State in the hands of men who are old enough to know by experience what is best, for, "However learned or eloquent, man knows nothing truly, that he has not learned from experience."

Governor.—The office of Governor, the chief executive position in the State, is a most important one. It requires of its successful incumbent, devotion to duty, sound judgment, careful discernment, and unswerving fidelity. As the highest magistrate, he is the official counsellor of the Legislature, and has a veto or suspensive power upon its action. When the Legislature is not in session, he is bound to take such steps as are necessary to guard the State against invasion, rebellion, or mob violence. For this reason he is made commander-in-chief of the militia of the State. He is chosen for only two years at a time, so that he may feel closely dependent upon the will of the people, and as there is but one person as the chief executive, rather than a body of persons, he must feel the weight of responsibility and act accordingly.

Power and Duties of Governor.—It is the duty of the Governor to supervise the official conduct of all executive and ministerial officers of the State, and to see that all offices are filled and their duties performed. He is the only official organ of communication between this State and any other state or the United States; he may offer rewards for the capture and conviction of escaped criminals or fugitives

from justice, not to exceed \$1,000 in crimes punishable by death, nor \$500 in felonies not punishable by death; he may command the Attorney General or the prosecuting attorneys of the State to take such action as may be necessary in the enforcement of the laws. He may call upon the governors of other states for the return of fugitives from this State, or deliver up fugitives from other states. He may require any officer to make a special report to him in writing; he must also keep a record of all his official acts. Other special duties of the Governor will be named when we come to the various state boards of which he is a member.

Lieutenant Governor.—The Lieutenant Governor is the presiding officer of the Senate. In case of the failure to qualify, death, resignation, or removal from office of the Governor, or of his absence from the State, or inability to fulfill the duties of the office, the Lieutenant Governor becomes Governor for the rest of the term, or until such disability is removed. In case the office of Governor should be left vacant by both Governor and Lieutenant Governor, then the duties of the office devolve upon the President pro tempore of the Senate, and in case of his death, removal, or failure to qualify, the Speaker of the House succeeds to the Governorship.

The Secretary of State.—It is the duty of the Secretary of State to hold in custody: All the acts, resolutions, memorials, and proposed amendments to the Constitution, passed by the Legislature; the journals of both houses of the Legislature; the Great Seal of the State of Idaho; all books, records, deeds, parchments, maps and papers, kept or de-

posited in his office by law. Besides being the custodian of state property, and having the power to distribute books, records, blanks and so forth, according to law, he is also required to keep a record of and attest all the official acts and proclamations of the Governor, affixing the State Seal to every document requiring the official signature of the Governor.

State Auditor.—The State Auditor is the book-keeper of the State government. It is his duty to keep a record of all appropriations made by the Legislature, and to call upon each county in the State for the payment of the taxes needed for the maintenance of the government of the State, according to the amount of taxable property in each county. (See Chapter XI, Taxation). He must issue warrants for all money paid by the State from its treasury, and keep a correct account of these warrants and upon what fund drawn. It is his duty also to make calculations of the amount of appropriations necessary for the maintenance of the government of the State for two years, and submit such reports to the Governor for the information and use of the Legislature. He must keep an account of the State with the United States, any other state, the various counties of the State, and all persons or corporations having accounts with the State.

State Treasurer.—The duties of the State Treasurer are to receive all moneys paid to the State from taxes, interest on public funds or from any other source, to hold in custody all money belonging to the State, including the various school and univer-

sity funds, and to pay out the same only upon warrants issued by the State Auditor according to law. He must keep separate accounts of all the funds in his possession, and how disbursed. He is required to give bond in the sum of sixty-five thousand dollars.

Attorney General.—The Attorney General is the attorney for the State and as such must prosecute or defend all cases to which the State or any officer thereof, when acting in his official capacity, is a party. He is empowered to exercise supervisory control over the prosecuting attorneys of the State in all matters pertaining to the duties of their offices and to assist them in their duties when necessary. He must, when requested by the Legislature, either House thereof, the Governor, other executive officers, or trustees of state institutions, give his written opinion upon matters of law pertaining to the duties of their offices.

State Superintendent of Public Instruction.—In addition to the constitutional qualifications for the office of State Superintendent of Public Instruction, the law requires that no person shall be a candidate for the office who is not a holder of a valid state or state life certificate, and who is not at the time of nomination, actively engaged in educational work, either in the public schools or state educational institutions of the State. The State Superintendent is the executive officer of the State Board of Education (See page 82). It is his duty to exercise general supervision of the county superintendents and the public school system of the State. He shall semi-

annually distribute the State school fund among the several counties according to the school census. He shall provide for holding institutes and associations; have printed and partially distributed the school laws of the State; visit the schools in those parts of the State most in need of supervision; and perform such other duties as naturally appertain to the office at the head of a state educational system. The State Superintendent is required by law to make a report to the Governor at least once in two years on the condition of the schools of the State, with necessary recommendations for their improvement.

Other Executive Offices, Boards and Commissions.—Several other offices have been created by the Legislature from time to time, which are closely connected with the Executive Department of the State government. They are the offices of Inspector of Mines; State Engineer; Game Warden; State Horticultural Inspector; State Insurance Commissioner; State Bank Examiner; Commissioner of Immigration, Labor and Statistics; State Dairy, Food and Sanitary Inspector; State Chemist; State Hay and Grain Inspector; and State Veterinary Surgeon. In addition to the foregoing named officers there are several boards and commissions, which have been created either by the Constitution or by statute to assist in the execution of the laws of the State. These boards, commissions, and other executive officers will now be considered.

Inspector of Mines.—The office of Inspector of Mines is filled by election at the same time and in the same manner as other State offices. It is the duty

of the Inspector of Mines to visit every mining county in the State at least once each year, and to examine such mines as he may think necessary in regard to their condition of safety, and when a mine is found in an unsafe condition, to notify the owners or operators to put the same into safe condition. In case the owners or operators fail to comply with his orders, he must notify the Attorney General, and that official will institute criminal proceedings at once upon the grounds of criminal negligence. It is the further duty of the Inspector of Mines to collect information and statistics relative to the mining industry of the State, and to collect, arrange and classify mineral and geological specimens found in the State, and send the same to the State School of Mines.

State Engineer.—The office of State Engineer is filled by appointment by the Governor for a term of four years. The State Engineer is required by law to measure and keep a record of the flow of all streams of the State which may be used for irrigation purposes; to make surveys to ascertain suitable sites for storage reservoirs; to inspect all charts or plans for dams or dykes to be constructed in the State; and to inspect or cause to be inspected all dams or embankments, causing the same to be rebuilt if found in a dangerous condition.

Fish and Game Warden.—A State Fish and Game Warden is appointed by the Governor at the beginning of his term of office to serve for two years. This officer is authorized by law to divide the State into not to exceed six districts, and to appoint a chief deputy, not to exceed six assistant chief deputies,

and such deputy game wardens as seem necessary. It is the duty of the Warden and deputies to enforce the laws of the State relating to game and fish, and arrest and cause to be prosecuted all violators of the game laws. Provision has also been made for the establishment of game preserves and fish hatcheries, and it is the duty of the Fish and Game Warden to enforce all laws relating thereto. It is made the duty of this officer and his deputies and assistants to provide means for the extermination of wild animals, not considered as game, such as the wolf, coyote, wild cat, cougar, and so forth. For this purpose he may draw upon the State Predatory Animal Fund. (See page 101).

State Insurance Commissioner.—Another appointment that the Governor is required to make for a term of two years is that of State Insurance Commissioner. This officer must be a citizen of the State and experienced in matters of insurance, but must not be interested, directly or indirectly, in any insurance company as an officer, director or agent. It is the duty of the Insurance Commissioner to see that the laws pertaining to insurance and insurance companies are enforced. As ex-officio State Examiner, it is his duty to keep an inventory of all chattel property belonging to the State, supervise the system of accounts used in both State and county offices, and make reports as to the character and financial standing of all bondsmen for the various officers.

Commissioner of Immigration, Labor and Statistics.—The Commissioner of Immigration, Labor and Statistics is appointed by the Governor every two years.

It is the duty of such commissioner to collect statistics concerning the climate, soil, and the various resources of the State, to make exhibits of the products of the State, and to have printed and distributed from time to time, information he may have in his possession which will be of value to the people of the State generally. Excellent maps of Idaho are issued occasionally by authority of this office. These may be obtained by any citizen of the State upon application.

State Board of Horticultural Inspection.—The State Board of Horticultural Inspection is composed of five members appointed by the Governor every two years. It is the duty of this Board to appoint a State Horticultural Inspector and to divide the State into as many districts for the purpose of inspection as seem best. The State Inspector shall appoint a deputy inspector for each of these districts, subject to the confirmation of the Board. It is the duty of the Inspector and deputies to visit and inspect the various orchards of the State for the purpose of discovering any pests that may be doing injury to the orchards, trees or vineyards of the State. When such pests are found it is the duty of the Board to take such steps as are necessary to get rid of them. The Board serves without compensation, but receives actual expenses.

State Board of Health.—The State Board of Health is composed of the Attorney General, the State Engineer, two physicians appointed by the Governor, and another physician appointed by the Board as secretary. It is the duty of this Board to have general supervision over all matters relating to the pre-

servation of the life and the health of the citizens of the State. The Board is authorized to appoint a Dairy, Food and Sanitary Inspector; a Deputy, a State Chemist, and such other assistants as are needed to carry on the work of this department.

Live Stock Sanitary Board.—The Live Stock Sanitary Board is composed of seven members appointed by the Governor, three representing the sheep interests of the State, three the cattle interests, and one the horse interests. It is the duty of this Board to exercise a general supervision over the live stock interests of the State, protecting them from loss by theft and disease, and helping to enforce the laws in regard to inspection, dipping, quarantine and so forth. The Governor also appoints a State Veterinary Surgeon, who executes all laws governing the live stock interests, and appoints deputy inspectors for each live stock inspection district created by the Sanitary Board.

State Bank Commissioner.—A State Bank Commissioner is appointed by the Governor for a term of four years. The State has passed very strict laws to govern the management of state banks. It is the business of the Bank Commissioner to make a regular examination of the condition of all state banks and see that the banking laws are not being in any way violated. He is given power to close any bank which does not conform to the laws.

State Grain Commission.—The State Grain Commission is composed of three members appointed by the Governor for a term of two years. It is the duty of this commission to establish standard grades of hay

and grain, to be known as "Idaho Grade"; to exercise general supervision over the hay and grain interests of the State, and to make all necessary rules and regulations for the weighing and the grading of hay and grain and its storage in public warehouses. The Commission is also authorized to appoint a State Hay and Grain Inspector for a term of two years. It is his duty to enforce the rules and regulations established by the Commission.

State Board of Arbitration.—The State Board of Arbitration, which is composed of the two labor commissioners and the district judge of the district where there is business for arbitration, has for its duties the investigation of strikes and lockouts, and the settling of disputes between employers and employees. No number less than twenty-five can petition for arbitration.

State Board of Canvassers.—The Governor, the Secretary of State, the State Auditor, the State Treasurer, and the Attorney General, or any three of them, constitute this Board, and its duties are to canvass the abstracts of votes from all the counties for electors of President and Vice President, for Representatives in Congress, Judges of the Supreme Court and district courts, senators and representatives, and all State officers, and determine who are elected to these offices, whereupon the Secretary of State issues certificates of election. In case of a tie vote for any office except those named in the first paragraph of this chapter, the Board of Canvassers determines by lot which shall be declared elected.

State Board of Education.—The State Board of Education is composed of the State Superintendent of Public Instruction, the Secretary of State, and the Attorney General. The duties of the Board are: To exercise a general supervision over the educational work of institutions wholly or partly supported by the State, which are not under the supervision of the public school authorities, and also over the work of county and city superintendents and of the public schools generally; to prescribe rules for the sanitary inspection and equipment of school buildings; to prepare a state course of study for the schools; to prepare or cause to be prepared questions for all classes of teachers' certificates and to appoint a board of examiners to grade the papers of all applicants for certificates; to prescribe rules and regulations for teachers' institutes; and to recommend to the Governor and to the Legislature needed legislation.

State Board of Equalization.—The State Board of Equalization is composed of the Governor, the Secretary of State, the State Auditor, the Attorney General, and the State Treasurer, and its principal duties are to equalize the assessed valuation of property between counties, and to assess all property of public service corporations in the State. (See Chapter XI, Taxation).

State Board of Examiners.—The State Board of Examiners consists of the Governor, the Secretary of State, and the Attorney General. All claims against the State, except for salaries, shall be submitted to this Board and approved, before a warrant can be issued by the Auditor.

State Board of Land Commissioners.—The State Board of Land Commissioners is made up of the Governor, the Superintendent of Public Instruction, the Secretary of State, the Attorney General and the State Auditor. Its duties shall be the direction, control, and sale of public lands of the State, under such regulations as may be established by law. These lands comprise sections 16 and 36 in every township, known generally as school lands, all lands taken in lieu of these sections, all lands given by the National government to the various institutions of the State, and also what are known as Carey Act lands.

State Highway Commission.—The State Highway Commission is composed of the Governor, the State Engineer, and the State Mining Inspector; its principal duty is the supervision of the construction of all roads built at state expense.

Other Boards of Examiners.—The State Board of Medical Examiners, composed of six physicians representing at least three schools of medicine; the State Board of Pharmacy, composed of three members; the State Board of Osteopathic Examination and Registration, composed of five members; the State Board of Dental Examiners, composed of five members; the State Board of Examination and Registration of Graduate Nurses, composed of two nurses and one physician; and the State Board of Examination in Optometry, composed of three members; all have duties and powers suggested by their titles. The Legislature has passed laws preventing anyone from practicing in these professions, unless he shows his competence by examination.

State Board of Pardons, and Prison Commissioners.—In the United States the President is given power to grant pardons to those who he may have good reasons to think should not be punished as the courts have decreed. In some states this same power is given to the Governor. In Idaho the pardoning power is vested in a Pardon Board, composed of the Governor, the Secretary of State, and the Attorney General. The Governor has only the power to grant reprieves or respite until the next meeting of the Pardon Board. The same three State officers also compose the State Board of Prison Commissioners, whose duties are to have in charge and control the State penitentiary, and to appoint a warden for that institution to serve during the pleasure of the Board. The warden may appoint such deputies and assistants as are necessary, subject to the approval of the Board. The State penitentiary is located at Boise.

Trustees of Soldiers' Home.—The Governor, the Secretary of State, and the Attorney General constitute the Board of Trustees for the Soldiers' Home located at Boise. They have general supervision and control of this institution, making all necessary rules and regulations for its government.

Board of Trustees of Capitol Buildings and Grounds.—The Governor, the Secretary of State, and the State Treasurer constitute a board for the care and maintenance of the Capitol buildings and grounds, and for the hiring of all necessary janitors, gardeners, and so forth.

Directors of the Insane Asylums.—A board of three members is appointed by the Governor for each of

the insane asylums of the State, to have the full management and control of those institutions. One State asylum is located at Blackfoot and the other at Orofino.

The State Sanitarium.—The Legislature of 1911 provided for the establishment of this institution for the care, protection, treatment, and education of feeble minded and epileptic persons. The three members of the first Board are appointed for terms of two, four, and six years, respectively, and afterward one member is to be appointed by the Governor every two years for a term of six years. This Board has complete control of the management of the sanitarium, which is located near Nampa.

Board of Regents State University.—The State University of Idaho, located at Moscow, is under the management of a Board of Regents. Two members of the Board are chosen every two years by the Governor for a term of six years. This Board has full control of the University, the power to choose instructors, prescribe courses of study, and make rules for the admission of pupils.

State Normals and Academy.—The Lewiston and Albion State Normals, and the Academy of Idaho located at Pocatello, are all under the management of Boards of Trustees, each consisting of six members, two to be appointed by the Governor every two years for a term of six years. The State Superintendent is ex-officio a member of both Normal School Boards.

State Industrial School.—The Industrial School at St. Anthony is under the control and supervision of

a Board of four members, two men and two women, appointed by the Governor and confirmed by the Senate, two to be appointed every two years for a term of four years. The Governor and the State Superintendent are ex-officio members of the Board of Trustees of this institution. "The purpose of such school shall be the care, protection, training and education of delinquent, dependent and neglected children, and to provide for the care, control and discharge of juvenile offenders." (See Chapter V).

School for Deaf, Dumb and Blind.—The State School for the Deaf, Dumb and Blind is located at Gooding, and is under the direct control and supervision of the State Board of Education. The census marshal in each district should note the children in his district that are eligible to attend this State school, and report the names to the county superintendent, who in turn reports to the State Superintendent, and the necessary steps are taken for the admission of such children to the school at Gooding.

Commission for Summer Normal Schools.—The State Superintendent and the presidents of the two State Normals form a commission for the establishment and maintenance of three Summer Normal Schools, one to be located at Boise, one at Pocatello, and one at Coeur d'Alene or Sandpoint. These schools continue for a term of six weeks during the summer vacation, and each has for its maintenance an appropriation of \$1,000 a year, besides the tuition charges of all who are in attendance.

Text Book Commission.—The State Board of Education in April, 1907, appointed by law a Board of

Text Book Commissioners, to serve for a term of six years. This Board adopted a uniform series of text books for the use of the schools in the State, and made contracts for furnishing the same for a period of six years.

State Library Commission.—The State Library Commission is composed of the Attorney General, the Secretary of State, the State Superintendent, and the President of the State University, and has charge of the traveling library or libraries of the State, appointing a qualified librarian, whose duties shall be defined by the Commission.

Salaries.—The Salaries of the State Officers are as follows:

Governor	\$5,000	Insurance Commission-	
Secretary of State...	\$3,000	er	\$2,400
Auditor	\$3,000	Immigration Commis-	
Treasurer	\$4,000	sioner	\$2,400
Attorney General	\$4,000	State Engineer	\$3,600
State Superintendent ..	\$2,400	Bank Examiner	\$4,000
Mine Inspector	\$2,400	Horticultural Inspec-	
Dairy, Food, Food and		tor	\$1,800
Sanitary Inspector..	\$2,400	Hay and Grain Inspec-	
Secretary, Board of		tor	\$1,500
Health	\$1,800	Water Commissioner..	\$2,000
State Chemist	\$2,000	Traveling Librarian..	\$1,200
Fish and Game War-		Supt. Soldiers' Home..	\$1,200
den	\$1,200	Warden Penitentiary..	\$1,200
Veterinary Surgeon ..	\$1,800		

In addition to their salaries, each of the State officers is allowed a certain amount for clerk hire and office expense, and traveling expense where necessary.

SUGGESTIVE QUESTIONS.

1. Name the persons filling the offices named in the first paragraph of this chapter.
2. Suppose both the Governor and Lieutenant Governor

should die during the month of December on an even year, who would act as Governor until the first Monday of January following?

3. Is there any State officer from your county?
4. How can one procure a game license? What does it cost?
5. Give a synopsis of the game laws of Idaho.
6. What are the advantages to the state of the various kinds of inspection mentioned on pages 80 and 81?
7. Have you ever visited any of the State penal or charitable institutions? Give an account of your visit.
8. A free education is provided for all by the State in elementary schools and colleges. Why not in high school also?
9. What advantages are there in having a uniform system of text books in the State?

CHAPTER X.

JUDICIAL DEPARTMENT.

The Judicial Department.—Article V, Section 2, of the State Constitution reads: “The judicial power of the State shall be vested in a court for the trial of impeachments, a supreme court, district courts, probate courts, courts of justices of the peace, and such other courts inferior to the supreme court, as may be established by law, for any incorporated city or town.” In preceding chapters we have studied about all the different courts of the State, except the court for the trial of the impeachments, and the Supreme Court.

Impeachment.—Public officers sometimes commit acts for which it is thought best they should be punished. The sole power of impeachment devolves upon the House of Representatives. Just as a grand jury accuses a person of crime, and brings him to trial in the district court, so the House of Representatives accuses an officer of some public offense, and brings him to trial before the bar of the Senate. Only executive and judicial officers are liable to impeachment. Why?

Trial.—When the Senate tries a case of impeachment, it is a judicial and no longer a legislative body. It is necessary for the senators to take a special oath before entering upon such a trial, for they are acting as judges, not legislators. In order to convict a person, upon impeachment, a two-thirds majority of

all the senators is required. If convicted, the officer loses his position, and may be disqualified from holding any office in the State thereafter. If the offense is of a criminal nature, he may afterwards be indicted, tried, and punished by the courts, the same as any other person. When the Governor is impeached, the Constitution provides that the Chief Justice must preside over the Senate. There are two reasons for this: first, when the Governor is being impeached, the Lieutenant Governor is Acting Governor, and could not occupy both positions at the same time; and second, the Lieutenant Governor might not be a wholly impartial officer in the trial of the Governor, whom he would succeed in office.

The Supreme Court.—The Supreme Court of the State of Idaho consists of three Justices, two of whom shall constitute a quorum and may render a decision. These Supreme Judges are elected by the voters of the State at the same time and in the same manner as the Governor. One Justice is chosen at the regular election every two years for a term of six years. This method of alternate election provides that two members of the Court will always have had experience on the Supreme Bench, one for two years and the other for four years, at the time of every new election.

Chief Justice.—At the reorganization of the Court after every election, the Justice who has the shortest time to serve is the Chief Justice for two years, and as such presides at all sessions of the Court. When he is absent, the Justice having the next shortest time to serve shall preside in his stead. In the fore-

going plan, a Justice serving by appointment or election to fill a vacancy is excepted.

Terms of Court.—There are four regular terms of the Supreme Court, each year, two at Boise, and two at Lewiston. The time of the session is fixed by the Court. In case of epidemic or destruction of court house, it could meet in some other place.

Jurisdiction.—The Supreme Court has two kinds of jurisdiction, appellate and original. It has jurisdiction to review all cases appealed to it from the decisions of the district courts. If the Supreme Court finds upon reviewing any such case that the district court erred in its conduct of the case, or gave a decision not warranted by the evidence, the decision of the district court is reversed, and the case is sent back to the lower court for a new trial or for such action as decreed by the Supreme Court. If the Supreme Court finds that the lower court made no mistake, the decision of the lower court is said to be affirmed. No suit can be originally begun in the Supreme Court. The original jurisdiction then of the highest court in the State, except when it acts as a Court of Claims, consists solely in its power to issue four kinds of writs upon application. These four writs are: Mandamus, certiorari, prohibition or injunction, and habeas corpus.

Mandamus.—The word “mandamus” means “we command”. Such a writ is issued generally by the court to some officer compelling him to do his duty. If the mayor of a city should refuse to call an election provided for by law; if the county commissioners should fail to levy a tax of not less than five nor

more than ten mills for the support of the schools of the county; if a judge should refuse to try a case which he should try; in any of these cases, a writ of mandamus would order the officer to do his duty. If an officer refuses or neglects to comply with the order contained in a writ of mandamus issued by the Supreme Court, he is fined for contempt of court.

Certiorari.—Certiorari is a writ issued to a lower court compelling it to certify the record of its proceedings to a higher court. For instance, if a case is appealed to the Supreme Court it is necessary that a record of the proceedings of the lower court be sent to the Supreme Court. If this is not done, a writ of certiorari compels the sending up of the desired records.

Prohibition or Injunction.—A writ of injunction is issued by the Supreme Court to prevent an officer, company, or individual from doing some intended act, for which there is no authority in law, and which will do injury to others. A writ of injunction may prevent a sheriff from selling property, when such sale would be illegal; it may stop a railroad from building across a person's farm, unless warranted by law; or it may prohibit the illegal taking of water from a stream by an irrigation company.

Habeas Corpus.—If any person who has been arrested and thrown into jail, thinks he is not being held lawfully, he may ask the court for a writ of habeas corpus. In compliance with this request, the court by the writ of habeas corpus, commands the officer holding such person in custody to bring the prisoner before the court and show by what authority he holds

him prisoner. If the court finds that the prisoner is being lawfully held, he is remanded to jail; but if it is found otherwise, the prisoner goes free. He is not however, declared innocent of the charge against him. He must answer for trial just the same as if the writ had not been issued.

Examination for Admission as an Attorney.—Another important duty of the Justices of the Supreme Court is to give a strict examination in open court to all applicants for admission to the bar as attorneys or counsellors at law. If an applicant is found qualified, he is admitted to practice law before all courts of the State, after paying the required fee of twenty-five dollars for the use of the State Law Library fund. Attorneys in good standing in other states may be admitted by the Court to practice without examination. If any person practices law in any court in the State, except a justice's court, without having been regularly admitted to practice law, he is guilty of contempt of court.

Court of Claims.—The Supreme Court has original jurisdiction to hear all claims against the State. If upon investigation the Court finds that such claims are just, it recommends to the Legislature that an appropriation be made in payment of such claims. The Court cannot compel or force any such claims to be paid, by execution or otherwise.

Officers and Salaries.—A clerk of the Supreme Court is appointed by the Court to hold office during its pleasure. A librarian is also appointed to have charge of the library of the Court, which is also very extensive as it contains reports of judicial proceedings in

all the states. The salary of a Supreme Court Justice is \$5,000; of the clerk of the Supreme Court, \$2,500; and of the librarian, \$1,200.

SUGGESTIVE QUESTIONS.

1. Name the Justices of the State Supreme Court.
2. Who is the Chief Justice?
3. Who will be Chief Justice next?
4. Do you think it is right that the Supreme Court, acting as a Court of Claims, cannot compel the payment of a just claim against the State? Why?

CHAPTER XI.

MISCELLANEOUS.

Water Rights and Irrigation.—The subject of Water Rights and Irrigation means much to the citizens of Idaho. Over forty pages of statute law have been passed by the Legislature from time to time in connection with this subject, while many states need have no laws of this kind whatever. In these laws the State undertakes to supervise the appropriation and use of water from the natural springs, lakes and streams of the State. The right to the use of such water comes by appropriation, if such appropriation is for a beneficial purpose. "As between appropriators, the first in time is the first in right."

For the purpose of administering and controlling the public waters, the State is divided into three "Water Divisions", and a water commissioner is appointed by the Governor for each division. These commissioners and the State Engineer constitute the State Board of Irrigation. This Board divides the State into as many water districts as seem advisable, and a watermaster is elected for each district. The water commissioner calls an election in each water district, the first Monday in March each year, and at this election the water users choose a water master for the district. The water masters and their deputies and assistants regulate the distribution of water among the several ditches in their districts, and the various water users according to their rights and necessities. The watermasters receive pay at

the rate of four dollars a day for their services, this sum is paid by the county, and a watermasters' tax placed against the land to repay the county. The county commissioners have the power to determine the rate that may be charged for the use of water from any ditch.

State Historical Society.—The Historical Society of Idaho Pioneers, by a law passed in 1907, became the Historical Society of the State of Idaho, and at that time turned all its property over to the State. For the care and control of this property, and of all other books, charts, pictures, specimens and relics, that may come into the possession of the Society, a Board of three Trustees is appointed by the Governor. This Board has exclusive control of the property of the Society, and appoints a librarian for such purpose. In many of the older states, the museum of their State Historical Society is one of the most valuable and interesting collections of relics anywhere to be found. Idaho citizens should in these early days of our history, take such an interest in the work of our own Historical Society, that we may preserve for later generations everything possible which is illustrative of our early history and development.

The State Militia.—All able-bodied men in the State of Idaho between the ages of 18 and 45 years are subject to military duty, or belong to the State militia. The militia of the State is divided into two classes: active and reserve. The active militia consists of the armed and uniformed military forces of the State, known as the National Guard of Idaho.

The reserve militia is all other men liable to military duty. The Governor is the commander-in-chief of the military forces of the State. The Legislature has passed a complete set of rules and regulations for the organization, control, and management of the National Guard of Idaho, which consists of companies organized in several cities of the State. These are volunteer companies, and receive no pay except when on duty.

Taxation.—Why are we taxed? Need we ask that question? In the opening chapter it was stated that the purpose of government is to guarantee to us our rights. We have seen how many officers seem to be necessary to carry on the work of our government, and also what work we have seen fit to have our government control, including the public school system, the building of roads and bridges, and the care and keeping of criminals and the various classes of unfortunates. All of this work and all of these officers require money, and we obtain this money through taxation.

For the purpose of maintaining the United States government, practically all the money raised is from indirect taxation, chiefly import duties and excise taxes. On the other hand, nearly all of the revenue for the support of the State, county, city, and school district government is derived from a direct tax. This direct tax is of two kinds: a tax on individuals, called a poll tax, levied upon every able-bodied male citizen in the State between the ages of 21 and 50, and to be used for the building and repair of roads; and a tax on property, both real and personal. It is a simple process to receive a tax notice and go pay

one's taxes, but every good citizen should know by what steps and in what way his amount of tax has been determined.

All property taxes are levied upon 40% of the actual cash value of the property. "The terms 'value', 'fair cash value', and 'full cash value' mean the value of the property in the market in the ordinary course of trade. The term 'assessed value' means the percentage of the 'full cash value' at which the property is to be assessed as provided by law; and the term 'valuation' means the 'assessed value'." (Session Laws, 1912.)

The county assessor assesses, or places a full cash value upon, all property in the county for the purpose of taxation. The county commissioners, at the July meeting, acting as a board of equalization, go over the assessment rolls of the county assessor and raise or lower any assessment they think advisable. Any person who thinks his assessment too high may put in his complaint to the county board of equalization. Then the county auditor makes an abstract of the assessments made and equalized, and sends such abstract to the State Auditor on or before the first Monday in August. The State Board of Equalization, consisting of the Governor, the Secretary of State, the Attorney General, the State Auditor, and the State Treasurer, meets on the second Monday in August, and taking the abstracts of assessments from the various counties, proceeds to equalize the same, raising or lowering within prescribed limits the assessments in any county as such change may be necessary. The State Board then assesses the railroad, telegraph and telephone companies, and apportions

such valuation among the counties according to the number of miles of such lines in each county. With the total valuation of property in each county thus determined, the State Board then apportions to each county its share of the tax it must raise for the support of the State government. The report of the equalized valuations and the apportionment of State tax is sent to each county auditor. Then the county commissioners meet again and estimate the amount of revenue needed for county purposes and add to it the amount required for State purposes. By dividing this total amount of revenue required by the assessed valuation, or 40% of the total cash value, of the county, the quotient is obtained, which is the "rate" of levy for State and county purposes.

The council of a city, or village, determines the "rate" of levy for their government by dividing the required revenue by the assessed value of the property of their city, or village, as determined from the assessor's roll, and reports this levy to the county commissioners. The annual meeting in a common school district votes upon the "rate" of special tax in that district. The board of trustees of an independent or rural high school district determines the "rate" of special tax needed by dividing the required revenue by the assessed value of the district. All these special levies must be reported to the board of county commissioners.

The county auditor then figures the amount of tax to be paid by each tax-payer, and carries it out upon the assessment rolls. To illustrate let us suppose: The total cash value of A's property is \$5,000. Forty per cent of this, or the amount upon which the tax

is estimated, is \$2,000. The rate for state and county tax is 22 mills; the rate of levy in the city in which A's property is located is 12 mills; and of his school district, 8 mills.

$\$2,000 \times .022 = \44	State and county tax,
$\$2,000 \times .012 = 24$	City tax,
$\$2,000 \times .008 = 16$	School district tax.
$\$2,000 \times .042 = \84	Total tax on A's property.

Many taxpayers, of course, do not live in a city, or in a school district which always levies a special tax. But if they own property in an irrigated district, they are subject to a special tax, known as a water-master's tax, and levied upon irrigated lands. A tax amounting to $\frac{1}{2}$ mill on the dollar is levied against all live stock, collected as other taxes and forwarded to the State Treasurer, to be used as a Predatory Animal fund. The delinquent poll tax may also be added. After the assessment book is sent back to the tax collector, he sends out notices to all taxpayers, and receives the tax from them, giving the regular receipt therefor. All taxes amounting to more than \$20 may be paid in two equal installments before the first Monday in January and the first Monday in July. All smaller amounts must be paid before the first Monday in January. If taxes due are not paid by the first Monday in January, then the whole amount becomes delinquent and a penalty of ten per cent and other costs is added. If the second installment is not paid by the first Monday in July then that amount becomes delinquent and the same penalty is added. If any taxes then remain unpaid by the fourth Monday of August, the property is sold at sheriff's sale to pay the taxes. The owner

may redeem property so sold any time within three years by the payment of taxes, penalties, costs, and interest at eighteen per cent.

Property Exempt From Taxation.—Following are the principal classes of property which the Legislature has declared exempt from taxation:

1. All property belonging to the United States, the State, a county, a municipal corporation, or a school district.

2. Property belonging to churches, hospitals, public libraries, Y. M. C. A.'s, Masons, Odd Fellows, or any other charitable, fraternal or benevolent association, unless such property is used as a source of income.

3. Property of resident widows, orphans, and Union Veterans of the Civil War, not to exceed \$1,000 in assessed valuation to any one family, when the actual cash value is less than \$5,000.

4. Growing crops, orchards less than four, and vineyards less than three years old.

5. Private libraries, surgical and scientific instruments belonging to professional men, tools of farmers, mechanics, etc., and household goods, each to the amount of \$400.

6. Irrigation canals and ditches, unless the water from them is sold.

7. Improvements on land to the extent of \$200 when the assessed value of such improvements is less than \$1,000.

Local Option.—The Legislature of 1909 passed what is called a Local Option law. This law enables any

county, upon petition of at least forty per cent of the qualified voters of the county, to vote upon the question of permitting or prohibiting in that county the sale of intoxicating liquors. The county commissioners receive this petition and call the election. Under this law, about half of the counties of the State have voted "dry", and about half have voted "wet".

Initiative, Referendum and Recall.—There has been a marked tendency in recent years, especially in the West, to give the people a more direct voice in the government. Many deprecate this departure from pure representative government, while many others are just as certain that in such measures as the Direct Primary, the Initiative, the Referendum, and the Recall, lies the method of solution of all problems of government. In the Direct Primary we have seen how the voters of Idaho nominate their party candidates by direct election, and express their choice for United States Senators, and bind their legislators to vote for their choice. The law authorizing the Commission Form of Government in the cities of Idaho, provides for the Initiative, Referendum and Recall in such cities as adopt the said form. In 1912 the people of Idaho will vote upon amendments to the State Constitution authorizing the Legislature to pass laws providing for the Initiative, Referendum and Recall in our State government.

The Initiative means the power of initiating or originating laws. It is usually exercised in the following manner: If a certain per cent of the voters of the State or city petition for the passage of a certain bill or ordinance which is appended to the

petition, the Legislature or council must pass such bill or submit it to a vote of the people at a regular or special election. If a majority then vote for it, it becomes a law the same as if it had been passed by the legislative body.

The Referendum means the submitting of bills to the people for their approval before they become laws. Proposed laws or ordinances may be submitted to the people upon motion of the legislative body itself, or must be submitted to a vote of the people upon a petition signed by a certain per cent of the voters asking for such submission.

The Recall is the right to vote an officer out of office before his term expires. Upon petition of a certain per cent of the voters, an election must be called to permit the people to vote upon the question of the removal of the officer.

Such principles and methods of government are comparatively new. Only time will prove their value.

Relations With the United States Government.—We have seen that there must be nothing in the State Constitution or laws contrary to the United States Constitution, the United States laws made in pursuance thereof, and the treaties made by the United States government, which are the “supreme law of the land”. The United States guarantees to every state a republican form of government, and to protect them against invasion or domestic violence. Each state takes a certain part in the government of the United States. All elections for choosing electors of President and Vice President and Congressmen are conducted by the State and at the expense of the

State on the Tuesday after the first Monday in December. United States Senators are chosen by the legislatures of the states in a manner prescribed by Congress. The State militia may be called into the active service of the United States, and in such case the President is the Commander-in-chief.

United States Representatives and Senators.—Representatives in Congress are apportioned according to the population determined at the census taken every ten years. By the census of 1910 and the Congressional apportionment of 1911, Idaho is entitled to two Representatives in Congress. It will be the duty of the Legislature of 1913 to divide the State into two Congressional districts, each to choose one Congressman. Until such action is taken by our Legislature, both Congressmen will be chosen "at large". United States Senators are chosen by the Legislature. In Idaho, an election for one Senator will take place in 1913, and for the other in 1915, for terms of six years.

SUGGESTIVE QUESTIONS.

1. What was the last rate of tax levy for state and county purposes in your county?
2. What was the total rate of tax paid by the taxpayers in your school district for all purposes?
3. If the assessed valuation of your father's property was \$1,800, what was the amount of his tax?
4. Ask your father to see his last tax receipt. Examine it carefully.
5. Discuss the Initiative, Referendum and Recall.

APPENDIX

CONSTITUTION OF THE STATE OF IDAHO

(As published by Wilfred L. Gifford, Secretary of State, 1911, except that amendments now in force are printed in the body of the Constitution in place of the sections amended.)

PREAMBLE.

We, the people of the State of Idaho, grateful to Almighty God for our freedom, to secure its blessings and promote our common welfare do establish this constitution.

ARTICLE I.

Declaration of Rights.

Section 1. All men are by nature free and equal, and have certain inalienable rights, among which are enjoying and defending life and liberty; acquiring, possessing and protecting property; pursuing happiness and securing safety.

Sec. 2. All political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have the right to alter, reform or abolish the same, whenever they may deem it necessary; and no special privileges or immunities shall ever be granted, that may not be altered, revoked or repealed, by the Legislature.

Sec. 3. The State of Idaho is an inseparable part of the American Union, and the Constitution of the United States is the supreme law of the land.

Sec. 4. The exercise and enjoyment of religious faith and worship shall forever be guaranteed; and no person shall be denied any civil or political right, privilege or capacity, on account of his religious opinions; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, or excuse acts of licentiousness or justify polygamous or other pernicious practices, inconsistent with morality or the peace or safety of the state; nor to permit any person, organization or association to directly or indirectly aid or abet, counsel or advise any person to commit the crime of bigamy or polygamy, or any other crime. No person shall be required to attend or support any ministry or place of worship, religious sect or denomination or pay tithes against his consent; nor shall any preference be given by law to any religious denomination or mode of worship. Bigamy and polygamy are forever prohibited in the state, and the legislature shall provide by law for the punishment of such crimes.

Sec. 5. The privilege of the writ of habeas corpus shall not be suspended, unless in case of rebellion or invasion, the public safety

requires it, and then only in such manner as shall be prescribed by law.

Sec. 6. All persons shall be bailable by sufficient sureties, except for capital offences, where the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Sec. 7. The right of trial by jury shall remain inviolate; but in civil actions, three-fourths of the jury may render a verdict, and the legislature may provide that in all cases of misdemeanors five-sixths of the jury may render a verdict. A trial by jury may be waived in all criminal cases not amounting to felony by the consent of both parties, expressed in open court; and in civil actions by the consent of the parties, signified in such manner as may be prescribed by law. In civil actions and cases of misdemeanor the jury may consist of twelve or of any number less than twelve, upon which the parties may agree in open court.

Sec. 8. No person shall be held to answer for any felony or criminal offence of any grade, unless on presentment or indictment of a grand jury, or on information of the public prosecutor, after a commitment by a magistrate, except in cases of impeachment, in cases cognizable by probate courts or by justices of the peace, and in cases arising in the militia when in actual service in time of war or public danger; Provided, That a grand jury may be summoned upon the order of the district court in the manner provided by law, and Provided further, That after a charge has been ignored by a grand jury, no person shall be held to answer, or for trial therefor, upon information of the public prosecutor.

Sec. 9. Every person may freely speak, write and publish, on all subjects, being responsible for the abuse of that liberty.

Sec. 10. The people shall have the right to assemble in a peaceable manner, to consult for their common good; to instruct their representatives, and to petition the Legislature for the redress of grievances.

Sec. 11. The people have the right to bear arms for their security and defence; but the legislature shall regulate the exercise of this right by law.

Sec. 12. The military shall be subordinate to the civil power, and no soldier in time of peace shall be quartered in any house without the consent of its owner, nor in time of war, except in the manner prescribed by law.

Sec. 13. In all criminal prosecutions, the party accused shall have the right to a speedy and public trial; to have the process of the court to compel the attendance of witnesses in his behalf, and to appear and defend in person and with counsel.

No person shall be put twice in jeopardy for the same offense; nor be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty or property without due process of law.

Sec. 14. The necessary use of lands for the construction of reservoirs, or storage basins, for the purpose of irrigation, or for

rights-of-way for the construction of canals, ditches, flumes or pipes, to convey water to the place of use for any useful, beneficial or necessary purpose, or for drainage; or for the drainage of mines, or the working thereof, by means of roads, railroads, tramways, cuts, tunnels, shafts, hoisting works, dumps or other necessary means to their complete development, or any other use necessary to the complete development of the material resources of the state, or the preservation of the health of its inhabitants, is hereby declared to be a public use, and subject to the regulation and control of the State.

Private property may be taken for public use, but not until a just compensation, to be ascertained in the manner prescribed by law, shall be paid therefor.

Sec. 15. There shall be no imprisonment for debt in this state, except in cases of fraud.

Sec. 16. No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall ever be passed.

Sec. 17. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue without probable cause shown, by affidavit, particularly describing the place to be searched and the person or thing to be seized.

Sec. 18. Courts of justice shall be open to every person, and a speedy remedy afforded for every injury of person, property or character, and right and justice shall be administered without sale, denial, delay or prejudice.

Sec. 19. No power, civil or military, shall at any time interfere with or prevent the free and lawful exercise of the right of suffrage.

Sec. 20. No property qualification shall ever be required for any person to vote or hold office, except in school elections or elections creating indebtedness.

Sec. 21. This enumeration of right shall not be construed to impair or deny other rights retained by the people.

ARTICLE II.

Distribution of Powers.

Section 1. The powers of the government of this state are divided into three distinct departments: the legislative, executive, and judicial, and no person, or collection of persons, charged with the exercise of powers properly belonging to one of these departments shall exercise any powers properly belonging to either of the others, except as in this constitution expressly directed or permitted.

ARTICLE III.

Legislative Department.

Section 1. The legislative power of the state, shall be vested in a senate and house of representatives. The enacting clause of

every bill shall be as follows: "Be it enacted by the Legislature of the State of Idaho."

Sec. 2. The senate shall consist of eighteen members, and the house of representatives of thirty-six members. The legislature may increase the number of senators and representatives, Provided, The number of senators shall never exceed twenty-four, and the house of representatives shall never exceed sixty members. The senators and representatives shall be chosen by the electors of the respective counties, or districts into which the state may from time to time be divided by law.

Sec. 3. The senators and representatives shall be elected for the term of two years, from and after the first day of December next following the general election.

Sec. 4. The members of the first legislature shall be apportioned to the several legislative districts of the state in proportion to the number of votes polled at the last general election for delegate to congress, and thereafter to be apportioned as may be provided by law: Provided, Each county shall be entitled to one representative.

Sec. 5. A senatorial or representative district, when more than one county shall constitute the same, shall be composed of contiguous counties, and no county shall be divided in creating such districts.

Sec. 6. No person shall be a senator or representative who, at the time of his election is not a citizen of the United States, and an elector of this state, nor anyone who has not been for one year next preceding his election an elector of the county or district whence he may be chosen.

Sec. 7. Senators and representatives in all cases, except for treason, felony, or breach of the peace, shall be privileged from arrest during the session of the legislature, and in going to and returning from the same, and shall not be liable to any civil process during the session of the legislature, nor during the ten days next before the commencement thereof; nor shall a member, for words uttered in debate in either house, be questioned in any other place.

Sec. 8. The sessions of the legislature shall, after the first session thereof, be held biennially at the capital of the state, commencing on the first Monday after the first day of January and every second year thereafter, unless a different day shall have been appointed by law, and at other times when convened by the governor.

Sec. 9. Each house when assembled, shall choose its own officers; judge of the election, qualifications and returns of its own members, determine its own rules of proceeding, and sit upon its own adjournments; but neither house shall, without the concurrence of the other, adjourn for more than three days, nor to any other place than that in which it may be sitting.

Sec. 10. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to

day, and may compel the attendance of absent members, in such manner and under such penalties as such house may provide.

A quorum being in attendance, if either house fail to effect an organization within the first four days thereafter, the members of the house so failing shall be entitled to no compensation from the end of the said four days until an organization shall have been effected.

Sec. 11. Each house may, for good cause shown, with the concurrence of two-thirds of all the members, expel a member.

Sec. 12. The business of each house, and of the committee of the whole shall be transacted openly and not in secret session.

Sec. 13. Each house shall keep a journal of its proceedings; and the yeas and nays of the members of either house on any question shall at the request of any three members present, be entered on the journal.

Sec. 14. Bills may originate in either house, but may be amended or rejected in the other, except that bills for raising revenue shall originate in the house of representatives.

Sec. 15. No law shall be passed except by bill, nor shall any bill be put upon its final passage until the same, with the amendments thereto, shall have been printed for the use of the members; nor shall any bill become a law unless the same shall have been read on three several days, in each house, previous to the final vote thereon.

Provided, In case of urgency, two-thirds of the house where such bill may be pending, may, upon a vote of the yeas and nays, dispense with this provision. On the final passage of all bills, they shall be read at length, section by section, and the vote shall be by yeas and nays upon each bill separately, and shall be entered upon the journal; and no bill shall become a law without the concurrence of a majority of the members present.

Sec. 16. Every act shall embrace but one subject, and matters properly connected therewith, which subject shall be expressed in the title; but if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be embraced in the title.

Sec. 17. Every act or joint resolution shall be plainly worded, avoiding as far as practicable the use of technical terms.

Sec. 18. No act shall be revised or amended by mere reference to its title, but the section as amended, shall be set forth and published at full length.

Sec. 19. The Legislature shall not pass local or special laws in any of the following enumerated cases, that is to say:

Regulating the jurisdiction and duties of justices of the peace and constables.

For the punishment of crimes and misdemeanors.

Regulating the practice of the courts of justice.

Providing for a change of venue in civil or criminal actions.

Granting divorces.

Changing the names of persons or places.

Authorizing the laying out, opening, altering, maintaining, working on, or vacating, roads, highways, streets, alleys, town plats, parks, cemeteries, or any public grounds not owned by the state.

Summoning and impanneling grand and trial juries, and providing for their compensation.

Regulating county and township business, or the election of county and township officers.

For the assessment and collection of taxes.

Providing for and conducting elections, or designating the place of voting.

Affecting the estates of deceased persons, minors or other persons under legal disabilities.

Extending the time for collection of taxes.

Giving effect to invalid deeds, leases or other instruments.

Refunding money paid into the state treasury.

Releasing or extinguishing, in whole or in part, the indebtedness, liability or obligation of any person or corporation in this state, or any municipal corporation therein.

Declaring any person of age, or authorizing any minor to sell, lease or incumber his or her property.

Legalizing, as against the state, the unauthorized or invalid act of any officer.

Exempting property from taxation.

Changing county seats, unless the law authorizing the change, shall require that two-thirds of the legal votes cast at a general or special election, shall designate the place to which the county seat shall be changed; Provided, That the power to pass a special law shall cease, as long as the legislature shall provide for such change by general law; Provided further, That no special law shall be passed for any one county oftener than once in six years.

Restoring to citizenship persons convicted of infamous crimes.

Regulating the interest on money.

Authorizing the creation, extension or impairing of liens.

Chartering or licensing ferries, bridges or roads.

Remitting fines, penalties or forfeitures.

Providing for the management of common schools.

Creating offices or prescribing the powers and duties of officers in counties, cities, townships, election districts or school districts, except as in this constitution otherwise provided.

Changing the law of descent or succession.

Authorizing the adoption or legitimization of children.

For limitation of civil or criminal actions.

Creating any corporation.

Creating, increasing or decreasing fees, percentages or allowances of public officers during the term for which said officers are elected or appointed.

Sec. 20. The legislature shall not authorize any lottery or gift enterprise, under any pretense or for any purpose whatever.

Sec. 21. All bills or joint resolutions passed shall be signed by the presiding officers of the respective houses.

Sec. 22. No act shall take effect until sixty days from the end of the session at which the same shall have been passed, except in case of emergency, which emergency shall be declared in the preamble or in the body of the law.

Sec. 23. Each member of the legislature shall receive for his services, a sum not exceeding five dollars per day, from the commencement of the session; but such pay shall not exceed for each member, except the presiding officers, in the aggregate, three hundred dollars for per diem allowances for any one session; and shall receive each the sum of ten cents per mile each way, by the usual traveled route.

When convened in extra session by the governor, they shall each receive five dollars per day; but no extra session shall continue for a longer period than twenty days, except in case of the first session of the legislature. They shall receive such mileage as is allowed for regular sessions.

The presiding officers of the legislature shall each, in virtue of his office, receive an additional compensation equal to one-half his per diem allowance as a member; Provided, That whenever any member of the legislature shall travel on a free pass in coming to or returning from a session of the legislature, the number of miles actually traveled on such pass shall be deducted from the mileage of such member.

Sec. 24. The first concern of all good government is the virtue and sobriety of the people, and the purity of the home. The legislature should further all wise and well directed efforts for the promotion of temperance and morality.

Sec. 25. The members of the legislature shall, before they enter upon the duties of their respective offices, take or subscribe the following oath or affirmation: "I do solemnly swear, (or affirm, as the case may be) that I will support the constitution of the United States and the constitution of the state of Idaho, and that I will faithfully discharge the duties of senator (or representative, as the case may be) according to the best of my ability." And such oath may be administered by the governor, secretary of state, or judge of the supreme court or presiding officer of either house.

ARTICLE IV.

Executive Department.

Section 1. The executive department shall consist of a governor, lieutenant-governor, secretary of state, state auditor, state treasurer, attorney general, and superintendent of public instruction, each of whom shall hold his office for two years, beginning on the first Monday in January next after his election, except as otherwise provided in this constitution. The officers of the executive department, excepting the lieutenant-governor, shall, during

their terms of office, reside at the seat of government, where they shall keep the public records, books and papers. They shall perform such duties as are prescribed by this constitution and as may be prescribed by law.

Sec. 2. The officers named in section one of this article shall be elected by the qualified electors of the state at the time and places of voting for members of the legislature, and the persons, respectively, having the highest number of votes for the office voted for shall be elected; but if two or more shall have an equal and the highest number of votes for any one of said offices, the two houses of the legislature at its next regular session, shall forthwith, by joint ballot, elect one of such persons for said office. The returns of election for the officers named in section one shall be made in such manner as may be prescribed by law, and all contested elections of the same, other than provided for in this election, shall be determined as may be prescribed by law.

Sec. 3. No person shall be eligible to the office of governor or lieutenant-governor, unless he shall have attained the age of thirty years at the time of his election; nor to the office of secretary of state, state auditor, superintendent of public instruction, or state treasurer, unless he shall have attained the age of twenty-five years; nor to the office of attorney general unless he shall have attained the age of thirty years, and have been admitted to practice in the supreme court of the state or territory of Idaho, and be in good standing at the time of his election. In addition to the qualifications above described, each of the officers named shall be a citizen of the United States and shall have resided within the state or territory two years next preceding his election.

Sec. 4. The governor shall be commander-in-chief of the military forces of the state, except when they shall be called into actual service of the United States. He shall have power to call out the militia to execute the laws, to suppress insurrection, or to repel invasion.

Sec. 5. The supreme executive power of the state is vested in the governor, who shall see that the laws are faithfully executed.

Sec. 6. The governor shall nominate and, by and with the consent of the senate, appoint all officers whose offices are established by this constitution, or which may be created by law, and whose appointment or election is not otherwise provided for. If during the recess of the senate, a vacancy occurs in any state or district office, the governor shall appoint some fit person to discharge the duties thereof until the next meeting of the senate, when he shall nominate some person to fill such office. If the office of a justice of the supreme or district court, secretary of state, state auditor, state treasurer, attorney general, or superintendent of public instruction, shall be vacated by death, resignation or otherwise, it shall be the duty of the governor to fill the same by appointment, and the appointee shall hold his office until his suc-

cessor shall be elected and qualified in such manner as may be provided by law.

Sec. 7. The governor, secretary of state, and attorney general shall constitute a board to be known as the board of pardons. Said board or a majority thereof, shall have the power to remit fines and forfeitures, and to grant commutations and pardons after conviction and judgment, either absolutely or upon such conditions as they may impose in all cases of offenses against the state except treason or conviction on impeachment. The legislature shall by law prescribe the sessions of said board and the manner in which application shall be made and regulate the proceedings thereon; but no fine or forfeiture shall be remitted, and no commutation or pardon granted, except by the decision of a majority of said board, after a full hearing in open session, and until previous notice of the time and place of such hearing and the release applied for shall have been given by publication in some newspaper of general circulation, at least once a week for four weeks. The proceedings and decision of the board shall be reduced to writing and with their reasons for their action in each case, and the dissent of any member who may disagree, signed by him, and filed, with all papers used upon the hearing, in the office of the secretary of state.

The governor shall have power to grant respites or reprieves in all cases of convictions for offenses against the state, except treason or conviction on impeachment, but such respites or reprieves shall not extend beyond the next session of the board of pardons; and such board shall at such session continue or determine such respite or reprieve, or they may commute or pardon the offense, as herein provided. In cases of conviction for treason, the governor shall have the power to suspend the execution of the sentence until the case shall be reported to the legislature at its next regular session, when the legislature shall either pardon or commute the sentence, direct its execution, or grant a further reprieve. He shall communicate to the legislature, at each regular session, each case of remission of fine or forfeiture, reprieve, commutation, or pardon granted since the last previous report, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of remission, commutation, pardon, or reprieve, with the reasons for granting the same, and the objections, if any, of any member of the board made thereto.

Sec. 8. The governor may require information in writing from the officers of the executive department upon any subject relating to the duties of their respective offices, which information shall be given upon oath whenever so required; he may also require information in writing at any time under oath, from all officers and managers of state institutions, upon any subject relating to the condition, management and expenses of their respective offices and institutions, and may, at any time he deems it necessary, appoint a committee to investigate and report to him upon the

condition of any executive office or state institution. The governor shall, at the commencement of each session, and from time to time, by message, give to the legislature, information of the condition of the state, and shall recommend such measures as he shall deem expedient. He shall also send to the legislature a statement, with vouchers, of the expenditures of all moneys belonging to the state and paid out by him. He shall also, at the commencement of each session, present estimates of the amount of money required to be raised by taxation for all purposes of the state.

Sec. 9. The governor may, on extraordinary occasions, convene the legislature by proclamation, stating the purposes for which he has convened it; but when so convened, it shall have no power to legislate on any subjects other than those specified in the proclamation; but may provide for the expenses of the session and other matters incidental thereto. He may also by proclamation, convene the senate in extraordinary session for the transaction of executive business.

Sec. 10. Every bill passed by the legislature, shall, before it becomes a law, be presented to the governor. If he approves, he shall sign it, and thereupon it shall become a law; but if he do not approve, he shall return it with his objections, to the house in which it originated, which house shall enter the objections at large upon its journals and proceed to reconsider the bill. If then two-thirds of the members present agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by two-thirds of the members present in that house, it shall become a law, notwithstanding the objections of the governor. In all such cases the vote of each house shall be determined by yeas and nays, to be entered on the journal.

Any bill which shall not be returned by the governor to the legislature within five days (Sundays excepted) after it shall have been presented to him, shall become a law in like manner as if he had signed it, unless the legislature shall, by adjournment, prevent its return, in which case it shall be filed, with his objections, in the office of the secretary of state within ten days after such adjournment (Sundays excepted) or become a law.

Sec. 11. The governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts approved shall become a law; and the item or items disapproved shall be void, unless enacted in the manner following: If the legislature be in session, he shall within five days, transmit to the house within which the bill originated, a copy of the item or items thereof disapproved, together with his objections thereto, and the items objected to shall be separately reconsidered, and each item shall then take the same course as is prescribed for the passage of bills over the executive veto.

Sec. 12. In case of the failure to qualify, the impeachment, or conviction of treason, felony, or other infamous crime, of the

governor, or his death, removal from office, resignation, absence from the state, or inability to discharge the powers and duties of his office, the powers, duties and emoluments of the office for the residue of the term, or until the disability shall cease, shall devolve upon the lieutenant-governor.

Sec. 13. The lieutenant-governor shall be president of the senate, but shall vote only when the senate is equally divided. In case of the absence or disqualification of the lieutenant-governor from any cause which applies to the governor, or when he shall hold the office of governor, then the president pro tempore of the senate shall perform the duties of the lieutenant-governor until the vacancy is filled or the disability removed.

Sec. 14. In case of the failure to qualify in his office, death, resignation, absence from the state, impeachment, conviction of treason, felony or other infamous crime, or disqualification from any cause, of both governor and lieutenant-governor, the duties of the governor shall devolve upon the president of the senate pro tempore, until such disqualification of either the governor or lieutenant-governor be removed, or the vacancy filled; and if the president of the senate, for any of the above named causes, shall become incapable of performing the duties of governor, the same shall devolve upon the speaker of the house.

Sec. 15. There shall be a seal of this state, which shall be kept by the secretary of state and used by him officially, and shall be called, "The great seal of the state of Idaho." The seal of the territory of Idaho as now used shall be the seal of the state until otherwise provided by law.

Sec. 16. All grants and permissions shall be in the name and by the authority of the state of Idaho, sealed with the great seal of the state, signed by the governor, and countersigned by the secretary of state.

Sec. 17. An account shall be kept by the officers of the executive department and of all public institutions of the state of all moneys received by them severally, from all sources, and for every service performed, and of all moneys disbursed by them severally, and a semi-annual report thereof shall be made to the governor, under oath; they shall also, at least twenty days preceding each regular session of the legislature, make full and complete reports of their official transactions to the governor, who shall transmit the same to the legislature.

Sec. 18. The governor, secretary of state, and attorney general shall constitute a board of state prison commissioners, which board shall have such supervision of all matters connected with the state prison as may be prescribed by law. They shall also constitute a board of examiners, with power to examine all claims against the state, except salaries or compensation of officers fixed by law, and perform such other duties as may be prescribed by law. And no claim against the state, except salaries and compensation of officers fixed by law, shall be passed upon by the leg-

islature without first having been considered and acted upon by said board.

Sec. 19. The governor, secretary of state, state auditor, state treasurer, attorney general and superintendent of public instruction, shall, quarterly as due, during their continuance in office, receive for their services compensation, which, for the term next ensuing after the adoption of this constitution, is fixed as follows: Governor, three thousand dollars per annum; secretary of state, one thousand eight hundred dollars per annum; state auditor, one thousand eight hundred dollars per annum; state treasurer, one thousand dollars per annum; attorney general two thousand dollars per annum; and superintendent of public instruction, one thousand five hundred dollars per annum. The lieutenant-governor shall receive the same per diem as may be provided by law for the speaker of the house of representatives, to be allowed only during the sessions of the legislature. The compensations enumerated shall be in full for all services by said officers respectively, rendered in any official capacity or employment whatever during their respective terms of office.

No officer named in this section shall receive, for the performance of any official duty, any fee for his own use; but all fees fixed by law for the performance by either of them, of any official duty, shall be collected in advance, and deposited with the state treasurer quarterly to the credit of the state. The legislature may by law, diminish or increase the compensation of any or all of the officers named in this section, but no such diminution or increase, shall effect the salaries of the officers then in office during their term; Provided, however, The legislature may provide for the payment of actual and necessary expenses to the governor, lieutenant-governor, secretary of state, attorney general, and superintendent of public instruction, while traveling within the state in the performance of official duty.

ARTICLE V.

Judicial Department.

Section 1. The distinctions between actions at law and suits in equity, and the forms of all such actions and suits, are hereby prohibited; and there shall be in this state but one form of action for the enforcement or protection of private rights, or the redress of private wrongs; which shall be denominated a civil action; and every action prosecuted by the people of the state as a party, against a person charged with a public offense for the punishment of the same, shall be termed a criminal action.

Feigned issues are prohibited, and the fact at issue shall be tried by order of court before a jury.

Sec. 2. The judicial power of the state shall be vested in a court for the trial of impeachments, a supreme court, district courts, probate courts, courts of justices of the peace, and such other courts, inferior to the supreme court, as may be established by law, for any incorporated city or town.

Sec. 3. The court for the trial of impeachments shall be the senate. A majority of the members elected shall be necessary to a quorum, and the judgment shall not extend beyond removal from, and disqualification to hold office in this state; but the party shall be liable to indictment and punishment according to law.

Sec. 4. The house of representatives solely, shall have the power of impeachment. No person shall be convicted without the concurrence of two-thirds of the senators elected. When the governor is impeached, the chief justice shall preside.

Sec. 5. Treason against the state shall consist only, in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attainder, shall work corruption of blood or forfeiture of estate.

Sec. 6. (Amendment No. 12, effective Nov. 28, 1910.) The supreme court shall consist of three justices, a majority of whom shall be necessary to make a quorum or pronounce a decision. If a justice of the supreme court shall be disqualified from sitting in a cause before said court, or be unable to sit therein, by reason of illness or absence, the said court may call a district judge to sit in said court on the hearing of such cause. The justices of the supreme court shall be elected by the electors of the state at large. The terms of office of the justices of the supreme court, except as in this article otherwise provided, shall be six years. The justices of the supreme court shall, immediately after the first election under this constitution, be selected by lot, so that one shall hold his office for the term of two years, one for the term of four years, and one for the term of six years. The lots shall be drawn by the justices of the supreme court, who shall, for that purpose, assemble at the seat of government, and they shall cause the result thereof to be certified to by the secretary of state, and filed in his office. The justice having the shortest term to serve, not holding his office by appointment, or election to fill a vacancy, shall be chief justice, and shall preside at all terms of the supreme court; and, in case of his absence, the justice having in like manner the next shortest term to serve, shall preside in his stead.

Sec. 7. No justice of the supreme court shall be eligible to any other office of trust or profit, under the laws of this state during the term for which he was elected.

Sec. 8. At least four terms of the supreme court shall be held annually; two terms at the seat of state government, and two terms at the city of Lewiston, in Nez Perce county. In case of epidemic, pestilence, or destruction of court houses, the justices may hold the terms of the supreme court provided by this section at other convenient places, to be fixed by a majority of said justices. After six years, the legislature may alter the provisions of this section.

Sec. 9. The supreme court shall have jurisdiction to review, upon appeal, any decision of the district courts, or the judges

thereof. The supreme court shall also have original jurisdiction to issue writs of mandamus, certiorari, prohibition, and habeas corpus; and all writs necessary or proper to the complete exercise of its appellate jurisdiction.

Sec. 10. The supreme court shall have original jurisdiction to hear claims against the state, but its decision shall be merely recommendatory; no process in the nature of execution shall issue thereon; they shall be reported to the next session of the legislature for its action.

Sec. 11. The state shall be divided into five judicial districts, for each of which a judge shall be chosen by the qualified electors thereof, whose term of office shall be four years. And there shall be held a district court, in each county, at least twice in each year, to continue for such time in each county as may be prescribed by law. But the legislature may reduce or increase the number of districts, district judges and district attorneys. This section shall not be construed to prevent the holding of special terms under such regulations as may be provided by law.

Sec. 12. Every judge of the district court shall reside in the district for which he is elected. A judge of any district court may hold a district court in any county at the request of the judge of the district court thereof, and upon the request of the governor, it shall be his duty to do so; but a cause in the district court may be tried by a judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, and sworn to try the cause.

Sec. 13. The legislature shall have no power to deprive the judicial department of any power or jurisdiction which rightfully pertains to it as a co-ordinate department of the government; but the legislature shall provide a proper system of appeals, and regulate by law, when necessary, the methods of proceedings in the exercise of their powers of all the courts below the supreme court, so far as the same may be done without conflict with this constitution.

Sec. 14. The legislature may provide for the establishment of special courts, for the trial of misdemeanors, in incorporated cities and towns, where the same may be necessary.

Sec. 15. The clerk of the supreme court shall be appointed by the court, and shall hold his office during the pleasure of the court. He shall receive such compensation for his services as may be provided by law.

Sec. 16. A clerk of the district court for each county shall be elected by the qualified voters thereof, at the time and in the manner prescribed by law for the election of members of the legislature, and shall hold his office for the term of four years.

Sec. 17. The salary of the justices of the supreme court, until otherwise provided by the legislature, shall be three thousand dollars each per annum, and the salary of the judges of the district court until otherwise provided by the legislature shall be three thousand dollars each per annum, and no justice of the

supreme court or judge of the district court, shall be paid his salary, or any part thereof, unless he shall have first taken and subscribed an oath that there is not in his hands any matter in controversy not decided by him which had been finally submitted for his consideration and determination, thirty days prior to the taking and subscribing such oath.

Sec. 18. (Amendment No. 3, effective Nov. 27, 1896.) A prosecuting attorney shall be elected for each organized county of the state, by the qualified electors of such county, and shall hold office for the term of two years, and shall perform such duties as may be prescribed by law; he shall be a practicing attorney at law, and a resident and elector of the county in which he is elected. He shall receive as compensation for his services a sum not less than five hundred dollars per annum nor more than fifteen hundred dollars per annum, to be fixed by the board of commissioners of the county at its regular session in July next preceding any general election, and to be paid in quarterly installments out of the county treasury.

Sec. 19. All vacancies occurring in the offices provided for by this article of the constitution shall be filled as provided by law.

Sec. 20. The district court shall have original jurisdiction in all cases, both at law and in equity, and such appellate jurisdiction as may be conferred by law.

Sec. 21. The probate courts shall be courts of record, and shall have original jurisdiction in all matters of probate, settlement of estates of deceased persons, and appointment of guardians; also, jurisdiction to hear and determine all civil cases wherein the debt or damage claimed, does not exceed the sum of five hundred dollars, exclusive of interest and concurrent jurisdiction with justices of the peace in criminal cases.

Sec. 22. In each county of this state there shall be elected justices of the peace as prescribed by law. Justices of the peace shall have such jurisdiction as may be conferred by law, but they shall not have jurisdiction of any cause wherein the value of the property or the amount in controversy exceeds the sum of three hundred dollars exclusive of interest, nor where the boundaries or title to any real property shall be called in question.

Sec. 23. No person shall be eligible to the office of district judge unless he be learned in the law, thirty years of age, and a citizen of the United States, and shall have resided in the state or territory at least two years next preceding his election, nor unless he shall have been at the time of his election, an elector in the judicial district for which he is elected.

Sec. 24. Until otherwise provided by law, the judicial districts shall be five in number, and constituted of the following counties, viz: First district, Shoshone and Kootenai. Second district, Latah, Nez Perce, and Idaho. Third district, Washington, Ada, Boise, and Owyhee. Fourth district, Cassia, Elmore, Logan, and Alturas. Fifth district, Bear Lake, Bingham, Oneida, Lemhi, and Custer.

Sec. 25. The judges of the district courts shall, on or before

the first day of July in each year, report in writing to the justices of the supreme court, such defects or omissions in the laws as their knowledge and experience may suggest, and the justices of the supreme court shall, on or before the first day of December of each year, report in writing to the governor, to be by him transmitted to the legislature, together with his message, such defects and omissions in the constitution and laws as they may find to exist.

Sec. 26. All laws relating to courts shall be general and of uniform operation throughout the state, and the organized judicial powers, proceedings and practices of all the courts of the same class or grade, so far as regulated by law, and the force and effect of the proceedings, judgments and decrees of such courts, severally, shall be uniform.

Sec. 27. The legislature may by law diminish or increase the compensation of any or all of the following officers, to-wit: Governor, lieutenant-governor, secretary of state, state auditor, state treasurer, attorney general, superintendent of public instruction, commissioner of immigration and labor, justices of the supreme court and judges of the district courts and district attorneys; but no diminution or increase shall effect the compensation of the officer then in office during his term; Provided, however, That the legislature may provide for the payment of actual and necessary expenses of the governor, secretary of state, attorney general and superintendent of public instruction incurred while in performance of official duty.

ARTICLE VI.

Suffrage and Elections.

Section 1. All elections by the people must be by ballot. An absolutely secret ballot is hereby guaranteed, and it shall be the duty of the legislature to enact such laws as shall carry this section into effect.

Sec. 2. (Amendment No. 2, effective Nov. 27, 1896.) Except as in this article otherwise provided, every male or female citizen of the United States, twenty-one years old, who has actually resided in this State or Territory for six months, and in the county, where he or she offers to vote, thirty days next preceding the day of election, if registered as provided by law, is a qualified elector; and until otherwise provided by the legislature, women who have the qualifications prescribed in this article may continue to hold such school offices and vote at such school elections as provided by the laws of Idaho Territory.

Sec. 3. No person is permitted to vote, serve as a juror, or hold any civil office who is under guardianship, idiotic or insane, or who has at any place, been convicted of treason, felony, embezzlement of the public funds, bartering or selling, or offering to barter or sell his vote, or purchasing or offering to purchase the vote of another, or other infamous crime, and who has not been restored

to the rights of citizenship, or who at the time of such election is confined in prison on conviction of a criminal offense, or who is a bigamist or polygamist, or is living in what is known as patriarchal, plural or celestial marriage, or in violation of any law of this state, or of the United States, forbidding any such crime; or who in any manner teaches, advises, counsels, aids or encourages any person to enter into bigamy, polygamy, or such patriarchal, plural, or celestial marriage, or to live in violation of any such law, or to commit any such crime; or who is a member of, or contributes to the support, aid, or encouragement of, any order, organization, association, corporation, or society, which teaches, advises, counsels, encourages or aids any person to enter into bigamy, polygamy or such patriarchal or plural marriage, or which teaches or advises that the laws of this state prescribing rules of civil conduct, are not the supreme law of the state; nor shall Chinese or persons of Mongolian descent not born in the United States, nor Indians not taxed, who have not severed their tribal relations and adopted the habits of civilization, either vote, serve as jurors, or hold any civil office.

Sec. 4. The legislature may prescribe qualifications, limitations and conditions for the right of suffrage, additional to those prescribed in this article, but shall never annul any of the provisions in this article contained.

Sec. 5. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of this state, or of the United States, nor while engaged in the navigation of the waters of this state or of the United States, nor while a student of any institution of learning, nor while kept at any alms house or other asylum at the public expense.

ARTICLE VII.

Finance and Revenue.

Section 1. The fiscal year shall commence on the second Monday of January in each year, unless otherwise provided by law.

Sec. 2. The legislature shall provide such revenue as may be needful, by levying a tax by valuation, so that every person or corporation shall pay a tax in proportion to the value of his, her, or its property, except as in this article hereinafter otherwise provided. The legislature may also impose a license tax, (both upon natural persons and upon corporations, other than municipal, doing business in this state); also a per capita tax; Provided, The legislature may exempt a limited amount of improvements upon land, from taxation.

Sec. 3. The word "property" as herein used, shall be defined and classified by law.

Sec. 4. The property of the United States, the state, counties, towns, cities, and other municipal corporations and public libraries, shall be exempt from taxation.

Sec. 5. All taxes shall be uniform upon the same class of subjects within the territorial limits, of the authority levying the tax, and shall be levied and collected under general laws, which shall prescribe such regulations as shall secure a just valuation for taxation of all property, real and personal; Provided, That the legislature may allow such exemptions from taxation from time to time as shall seem necessary and just, and all existing exemptions provided by the laws of the territory, shall continue until changed by the legislature of the state; Provided further, That duplicate taxation of property for the same purpose during the same year, is hereby prohibited.

Sec. 6. The legislature shall not impose taxes for the purpose of any county, city, town, or other municipal corporation, but may by law invest in the corporate authorities thereof, respectively, the power to assess and collect taxes for all purposes of such corporation.

Sec. 7. All taxes levied for state purposes shall be paid into the state treasury, and no county, city, town, or other municipal corporation, the inhabitants thereof, nor the property therein, shall be released or discharged from their or its proportionate share of taxes to be levied for state purposes.

Sec. 8. The power to tax corporations or corporate property, both real and personal, shall never be relinquished or suspended, and all corporations in this state or doing business therein, shall be subject to taxation for state, county, school, municipal, and other purposes, on real and personal property owned or used by them, and not by this constitution exempted from taxation within the territorial limits of the authority levying the tax.

Sec. 9. (Amendment No. 9, effective Nov. 26, 1906.) The rate of taxation of real and personal property for State purposes shall never exceed ten (10) mills on each dollar of assessed valuation, unless a proposition to increase such rate, specifying the rate proposed and the time during which the same shall be levied, shall have been submitted to the people at a general election, and shall have received a majority of all the votes cast for and against it at such election.

Sec. 10. The making of profit, directly or indirectly, out of state, county, city, town, township or school district money, or using the same for any purpose not authorized by law, by any public officer, shall be deemed a felony, and shall be punished as provided by law.

Sec. 11. No appropriation shall be made, nor any expenditure authorized for by the legislature, whereby the expenditure of the state, during any fiscal year shall exceed the total tax then provided for by law, and applicable to such appropriation or expenditure, unless the legislature making such appropriation shall provide for levying a sufficient tax, not exceeding the rates allowed in section nine (9) of this article, to pay such appropriation or expenditure within such fiscal year. This provision shall not apply

to appropriations or expenditures, to suppress insurrection, defend the state, or assist in defending the United States in time of war.

Sec. 12. There shall be a state board of equalization, consisting of the governor, secretary of state, attorney general, state auditor and state treasurer, whose duties shall be prescribed by law. The board of county commissioners for the several counties of the state, shall constitute a board of equalization for their respective counties, whose duty it shall be to equalize the valuation of the taxable property in the county, under such rules and regulations as shall be prescribed by law.

Sec. 13. No money shall be drawn from the treasury, but in pursuance of appropriations made by law.

Sec. 14. No money shall be drawn from the county treasuries except upon the warrant of a duly authorized officer, in such manner and form as shall be prescribed by the legislature.

Sec. 15. The legislature shall provide by law, such a system of county finance, as shall cause the business of the several counties to be conducted on a cash basis. It shall also provide that whenever any county shall have any warrants outstanding and unpaid, for the payment of which there are no funds in the county treasury, the county commissioners, in addition to other taxes provided by law, shall levy a special tax not to exceed ten (10) mills on the dollar, of taxable property as shown by the last preceding assessment, for the creation of a special fund for the redemption of said warrants; and after the levy of such special tax, all warrants issued before such levy, shall be paid exclusively out of said fund. All moneys in the county treasury at the end of each fiscal year, not needed for current expenses, shall be transferred to said redemption fund.

Sec. 16. The legislature shall pass all laws necessary to carry out the provisions of this article.

ARTICLE VIII.

Public Indebtedness and Subsidies.

Section 1. (Amendment No. 13, effective Nov. 28, 1910.) The legislature shall not in any manner create any debt or debts, liability or liabilities, which shall singly or in the aggregate, exclusive of the debt of the territory at the date of its admission as a state, and exclusive of debts or liabilities incurred subsequent to January 1st, 1911, for the purpose of completing the construction and furnishing of the state capitol building at Boise, Idaho, exceed the sum of one and one-half per centum upon the assessed value of the taxable property of the state, except in case of war to repel an invasion or suppress insurrection, unless the same shall be authorized by law for some single object of word to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for payment of the interest of such debt or liability as it falls due and also for the payment and discharge of the principal of such debt or liability, within twenty (20) years of

the time of the contracting thereof, and shall be irrevocable until the principal and interest thereon shall be paid and discharged; but no such law shall take effect until at a general election it shall have been submitted to the people, and shall have received a majority of all the votes cast for and against it at such election; and all moneys raised by the authority of such laws, shall be applied only to specified objects therein stated, or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county or city and county, if one be published therein, throughout the state for three months next preceding the election at which it is submitted to the people. The legislature shall at any time after the approval of such law, by the people, if no debts shall have been contracted in the pursuance thereof, repeal the same.

Sec. 2. The credit of the state shall not, in any manner, be given or loaned to, or in aid of, any individual, association, municipality or corporation; nor shall the state directly or indirectly, become a stockholder in any association or corporation.

Sec. 3. No county, city, town, township, board of education, or school district, or other subdivision of the state, shall incur any indebtedness, or liability, in any manner, or for any purpose, exceeding in that year, the income and revenue provided for it for such year, without the assent of two-thirds of the qualified electors thereof voting at an election to be held for that purpose, nor unless, before or at the time of incurring such indebtedness, provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof, within twenty years from the time of contracting the same. Any indebtedness or liability incurred contrary to this provision shall be void. Provided, That this section shall not be construed to apply to the ordinary and necessary expenses authorized by the general laws of the state.

Sec. 4. No county, city, town, township, board of education, or school district, or other subdivision, shall lend, or pledge the credit or faith thereof directly or indirectly, in any manner, to, or in aid of any individual, association or corporation, for any amount or for any purpose whatever, or become responsible for any debt, contract or liability of any individual, association or corporation in or out of this state.

ARTICLE IX.

Education and School Lands.

Section 1. The stability of a republican form of government depending mainly upon the intelligence of the people, it shall be the duty of the legislature of Idaho, to establish and maintain a general, uniform and thorough system of public, free common schools.

Sec. 2. The general supervision of the public schools of the

state shall be vested in a board of education, whose powers and duties shall be prescribed by law; the superintendent of public instruction, the secretary of state, and attorney general, shall constitute the board of which the superintendent of public instruction shall be president.

Sec. 3. The public school fund of the state shall forever remain inviolate and intact; the interest thereon only shall be expended in the maintenance of the schools of the state, and shall be distributed among the several counties and school districts of the state in such manner as may be prescribed by law. No part of this fund, principal or interest, shall ever be transferred to any other fund, or used or appropriated except as herein provided. The state treasurer shall be the custodian of this fund, and the same shall be securely and profitably invested as may be by law directed. The state shall supply all losses thereof that may in any manner occur.

Sec. 4. The public school fund of the state shall consist of the proceeds of such lands as have heretofore been granted, or may hereafter be granted to the state by the general government, known as school lands, and those granted in lieu of such; lands acquired by gift or grant from any person or corporation under any law or grant of the general government; and of all other grants of land or money made to the state from the general government for general educational purposes, or where no other special purposes is indicated in such grant; all estate or distributive shares of estates that may escheat to the state; all unclaimed shares and dividends of any corporation incorporated under the laws of the state; and all other grants, gifts, devises, or bequests made to the state for general educational purposes.

Sec. 5. Neither the legislature nor any county, city, town, township, school district or other public corporation, shall ever make any appropriation or pay from any public fund or moneys whatever, anything in aid of any church or sectarian, or religious society, or for any sectarian or religious purpose, or to help support or sustain any school, academy, seminary, college, university or other literary or scientific institution, controlled by any church, sectarian or religious denomination whatsoever; nor shall any grant or donation of land, money or other personal property ever be made by the state or any such public corporation, to any church or for any sectarian or religious purpose.

Sec. 6. No religious test or qualification shall ever be required of any person as a condition of admission into any public educational institution of the state, either as a teacher or student; and no teacher or student of any such institution shall ever be required to attend or participate in any religious service whatever. No sectarian or religious tenets or doctrines shall ever be taught in the public schools, nor shall any distinction or classification of pupils be made on account of race or color. No books, papers, tracts or documents of a political, sectarian or denominational character shall be used or introduced in any schools estab-

lished under the provisions of this article, nor shall any teacher or any district receive any of the public school moneys in which the schools have not been taught in accordance with the provisions of this article.

Sec. 7. (Amendment No. 14, effective Nov. 28, 1910.) The governor, superintendent of public instruction, secretary of state, attorney general and state auditor shall constitute the state board of land commissioners, who shall have the direction, control and disposition of the public lands of the state, under such regulations as may be prescribed by law.

Sec. 8. It shall be the duty of the state board of land commissioners to provide for the location, protection, sale or rental of all the lands heretofore, or which may hereafter be granted to the state by the general government, under such regulations as may be prescribed by law, and in such manner as will secure the maximum possible amount therefor; Provided, That no school lands shall be sold for less than ten (10) dollars per acre. No law shall ever be passed by the legislature granting any privilege to persons who may have settled upon any such public lands, subsequent to the survey thereof by the general government, by which the amount to be derived by the sale or other disposition of such lands, shall be diminished, directly or indirectly. The legislature shall at the earliest practicable period, provide by law that the general grants of land made by congress to the state, shall be judiciously located and carefully preserved and held in trust, subject to disposal at public auction for the use and benefit of the respective objects for which said grants of lands were made, and the legislature shall provide for the sale of said lands from time to time and for the sale of timber on all state lands and for the faithful application of the proceeds thereof in accordance with the terms of said grants; Provided, That not to exceed twenty-five sections of school lands shall be sold in any one year, and to be sold in subdivisions of not to exceed one hundred and sixty (160) acres to any one individual, company or corporation.

Sec. 9. The legislature may require by law that every child of sufficient mental and physical ability, shall attend the public school throughout the period between the ages of six and eighteen years, for a time equivalent to three years, unless educated by other means.

Sec. 10. The location of the University of Idaho, as established by existing laws, is hereby confirmed. All the rights, immunities, franchise and endowments, heretofore granted thereto by the territory of Idaho are hereby perpetuated unto the said university. The regents shall have the general supervision of the university, and the control and direction of all the funds of, and appropriations to, the university, under such regulations as may be prescribed by law. No university lands shall be sold for less than ten (\$10) dollars per acre, and in subdivisions not to exceed one hundred and sixty (160) acres, to any one person, company or corporation.

Sec. 11. (Amendment No. 7, effective Nov. 28, 1900.) The permanent educational funds other than funds arising from the disposition of university lands belonging to the State, shall be loaned on first mortgage on improved farm lands within the State; State, United States, or school district bonds, or State warrants, under such regulations as the legislature may provide. Provided, That no loan shall be made of any amount of money exceeding one-third of the market value of the lands at the time of the loan, exclusive of buildings.

ARTICLE X.

Public Institutions.

Section 1. Educational, reformatory and penal institutions, and those for the benefit of the insane, blind, deaf and dumb, and such other institutions as the public good may require, shall be established and supported by the state in such manner as may be prescribed by law.

Sec. 2. The seat of government of the state of Idaho shall be located at Boise City for twenty years from the admission of the state, after which time the legislature may provide for its relocation by submitting the question to a vote of the electors of the state at some general election.

Sec. 3. The legislature may submit the question of the location of the seat of government to the qualified voters of the state at the general election, then next ensuing and a majority of all the votes upon said question cast at said election shall be necessary to determine the location thereof. Said legislature shall also provide that in case there shall be no choice of location at said election, the question of choice between the two places for which the highest number of votes shall have been cast, shall be submitted in like manner to the qualified electors of the state at the next general election.

Sec. 4. All property and institutions of the territory, shall, upon the adoption of the constitution become the property and institutions of the state of Idaho.

Sec. 5. The governor, secretary of state and attorney general shall constitute a board to be known as the state prison commissioners, and shall have the control, direction and management of the penitentiaries of the state. The governor shall be chairman, and the board shall appoint a warden, who may be removed at pleasure. The warden shall have the power to appoint his subordinates, subject to the approval of the said board.

Sec. 6. There shall be appointed by the governor, three directors of the asylum for the insane, who shall be confirmed by the senate. They shall have the control, direction and management of the said asylums under such regulations as the legislature shall provide and hold their offices for a period of two years. The directors shall have the appointment of the medical superintendent, who shall appoint the assistants with the approval of the directors.

Sec. 7. The legislature for sanitary reasons may cause the removal to more suitable localities of any of the institutions mentioned in section one of this article.

ARTICLE XI.

Corporations, Public and Private.

Section 1. All existing charters or grants of special or exclusive privileges, under which the corporators or grantees shall not have organized or commenced business in good faith at the time of the adoption of this constitution, shall thereafter have no validity.

Sec. 2. No charter of incorporation shall be granted, extended, changed or amended by special law, except for such municipal, charitable, educational, penal, or reformatory corporations as are or may be, under the control of the state, but the legislature shall provide by general law for the organization of corporations hereafter to be created; Provided, That any such general law shall be subject to future repeal or alteration by the legislature.

Sec. 3. The legislature may provide by law for altering, revoking or annulling, any charter of incorporation existing and revokable at the time of the adoption of this constitution, in such manner, however, that no injustice shall be done to the corporators.

Sec. 4. The legislature shall provide by law that in all elections for directors or managers of incorporated companies, every stockholder shall have the right to vote in person or by proxy for the number of shares of stock owned by him, for as many persons as there are directors or managers to be elected, or to cumulate said shares, and give one candidate as many votes as the number of directors, multiplied by the number of his shares of stock, shall equal, or to distribute them, on the same principle, among as many candidates as he shall think fit, and such directors shall not be elected in any other manner.

Sec. 5. All railroads shall be public highways, and all railroad, transportation and express companies shall be common carriers, and subject to legislative control, and the legislature shall have power to regulate and control by law, the rates of charges for the transportation of passengers and freight by such companies or other common carriers, from one point to another in the state. Any association or corporation organized for the purpose, shall have the right to construct and operate a railroad between any designated points within this state, and to connect within or at the state line, with railroads of other states and territories. Every railroad company shall have the right with its road, to intersect, connect with, or cross any other railroad, under such regulations as may be prescribed by law, and upon making due compensation.

Sec. 6. All individuals, associations, and corporations, similarly situated, shall have equal rights to have persons or property transported on and over any railroad, transportation, or express route

in the state, except that preference may be given to perishable property. No undue or unreasonable discrimination shall be made in charges or facilities for transportation of freight or passengers of the same class, by any railroad, or transportation, or express company, between persons or places within the state; but excursion or commutation tickets may be issued and sold at special rates, provided such rates are the same to all persons. No railroad, or transportation, or express company shall be allowed to charge, collect, or receive, under penalties which the legislature shall prescribe, any greater charge or toll for the transportation of freight or passengers, to any place or station upon its route or line, than it charges for the transportation of the same class of freight or passengers to any more distant place or station upon its route or line within this state. No railroad, express, or transportation company, nor any lessee, manager, or other employee thereof, shall give any preference to any individual, association, or corporation, in furnishing cars or motive power, or for the transportation of money or other express matter.

Sec. 7. No corporations other than municipal corporations in existence at the time of the adoption of this constitution, shall have the benefit of any future legislation, without first filing in the office of the secretary of state an acceptance of the provisions of this constitution in binding form.

Sec. 8. The right of eminent domain shall never be abridged, nor so construed as to prevent the legislature from taking the property and franchise of incorporated companies, and subjecting them to public use, the same as property of individuals; and the police powers of the state shall never be abridged, or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals, or the general well being of the state.

Sec. 9. No corporation shall issue stocks or bonds, except for labor done, services performed, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons, holding a majority of the stock, first obtained at a meeting, held after at least thirty days' notice given in pursuance of law.

Sec. 10. No foreign corporation shall do any business in this state without having one or more known places of business, and an authorized agent or agents in the same, upon whom process may be served; and no company or corporation formed under the laws of any other country, state or territory, shall have or be allowed to exercise or enjoy, within this state, any greater rights or privileges than those possessed or enjoyed by corporations of the same or similar character created under the laws of this state.

Sec. 11. No street, or other railroad, shall be constructed within any city, town, or incorporated village, without the consent of the

local authorities having the control of the street or highway proposed to be occupied by such street or other railroad.

Sec. 12. The legislature shall pass no law for the benefit of a railroad, or other corporation, or any individual, or association of individuals retroactive in its operation, or which imposes on the people of any county or municipal subdivision of the state, a new liability in respect to transactions or considerations already past.

Sec. 13. Any association or corporation or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph or telephone within this state, and connect the same with other lines; and the legislature shall by general law of uniform operation, provide reasonable regulations to give full effect to this section.

Sec. 14. If any railroad, telegraph, express, or other corporation organized under any of the laws of this state, shall consolidate, by sale or otherwise, with any railroad, telegraph, express or other corporation, organized under any of the laws of any other state or territory, or of the United States, the same shall not thereby become a foreign corporation, but the courts of this state shall retain jurisdiction over that part of the corporate property within the limits of the state in all matters that may arise, as if said consolidation had not taken place.

Sec. 15. The legislature shall not pass any law permitting the leasing or alienation of any franchise so as to release or relieve the franchise or property held thereunder from any of the liabilities of the lessor or grantor, or lessee or grantee, contracted or incurred in the operation, use, or enjoyment of such franchise, or any of its privileges.

Sec. 16. The term "corporation" as used in this article, shall be held and construed to include all associations and joint stock companies, having or exercising any of the powers or privileges of corporations not possessed by individuals or partnerships.

Sec. 17. Dues from private corporations shall be secured by such means as may be prescribed by law, but in no case shall any stockholders be individually liable in any amount over or above the amount of stock owned by him.

Sec. 18. That no incorporated company or any association of persons or stock company, in the state of Idaho, shall directly or indirectly combine or make any contract with any other incorporated company, foreign or domestic, through their stockholders or the trustees or assignees of such stockholders, or in any manner whatsoever, for the purpose of fixing the price or regulating the production of any article of commerce or of produce of the soil, or of consumption by the people; and that the legislature be required to pass laws for the enforcement thereof, by adequate penalties, to the extent, if necessary for that purpose, of the forfeiture of their property and franchise.

ARTICLE XII.

Corporations—Municipal.

Section 1. The legislature shall provide by general laws for the incorporation, organization and classification of the cities and towns in proportion to the population, which laws may be altered, amended or repealed by the general laws. Cities and towns heretofore incorporated, may become organized under such general laws, whenever a majority of the electors at a general election, shall so determine, under such provision therefor as may be made by the legislature.

Sec. 2. Any county, or incorporated city or town may make and enforce, within its limits, all such local police, sanitary and other regulations as are not in conflict with its charter or with the general laws.

Sec. 3. The state shall never assume the debts of any county, town or other municipal corporation, unless such debt shall have been created to repel invasion, suppress insurrection or defend the state in war.

Sec. 4. No county, town, city or other municipal corporation, by vote of its citizens or otherwise, shall ever become a stockholder in any joint stock company, corporation or association whatever, or raise money for, or make donation or loan its credit to, or in aid of, any such company or association: Provided, That cities and towns may contract indebtedness for school, water, sanitary and illuminating purposes; Provided, That any city or town contracting such indebtedness shall own its just proportion of the property thus created and receive from any income arising therefrom, its proportion to the whole amount so invested.

ARTICLE XIII.

Immigration and Labor.

Section 1. There shall be established a bureau of immigration, labor and statistics, which shall be under the charge of a commissioner of immigration, labor and statistics, who shall be appointed by the governor, by and with the consent of the senate. The commissioner shall hold his office for two years, and until his successor shall have been appointed and qualified, unless sooner removed. The commissioner shall collect information upon the subject of labor, its relation to capital, the hours of labor and the earnings of laboring men and women, and the means of promoting their material, social, intellectual and moral prosperity. The commissioner shall annually make a report in writing to the governor of the state of the information collected and collated by him, and containing such recommendations as he may deem calculated to promote the efficiency of the bureau.

Sec. 2. (Amendment No. 8, effective Nov. 28, 1902.) Not more than eight (8) hours' actual work shall constitute a lawful day's work on all state and municipal works, and the legislature shall

pass laws to provide for the health and safety of employees in factories, smelters, mines and ore reduction works.

Sec. 3. All labor of convicts confined in the state's prison, shall be done within the prison grounds, except where the work is done on public works under the direct control of the state.

Sec. 4. The employment of children under the age of fourteen (14) years in underground mines is prohibited.

Sec. 5. No person, not a citizen of the United States or who has not declared his intention to become such, shall be employed upon, or in connection with, any state or municipal works.

Sec. 6. The legislature shall provide by proper legislation for giving to mechanics, laborers and material men an adequate lien on the subject matter of their labor.

Sec. 7. The legislature may establish boards of arbitration whose duty it shall be to hear and determine all differences and controversies between laborers and their employers which may be submitted to them in writing by all the parties. Such boards of arbitration shall possess all the powers and authority in respect to administering oaths, subpoenaing witnesses, and compelling their attendance, preserving order during the sittings of the board, punishing for contempt, and requiring the production of papers and writings, and all other powers and privileges, in their nature applicable, conferred by law on justices of the peace.

Sec. 8. The commissioner of immigration, labor and statistics, shall perform such duties and receive such compensation as may be prescribed by law.

ARTICLE XIV.

Militia.

Section 1. All able-bodied male persons residents of this state, between the ages of eighteen and forty-five years, shall be enrolled in the militia and perform such military duty as may be required by law; but no person having conscientious scruples against bearing arms, shall be compelled to perform such duty in time of peace. Every person claiming such exemption from service, shall, in lieu thereof, pay into the school fund of the county of which he may be a resident, an equivalent in money; the amount and manner of payment to be fixed by law.

Sec. 2. The legislature shall provide by law for the enrollment, equipment and discipline of the militia, to conform as nearly as practicable to the regulations for the government of the armies of the United States, and pass such laws to promote volunteer organizations, as may afford them effectual encouragement.

Sec. 3. All militia officers shall be commissioned by the governor, the manner of their selection to be provided by law, and may hold their commissions for such period of time as the legislature may provide.

Sec. 4. All military records, banners, and relics of the state, except when in lawful use, shall be preserved in the office of the

adjutant-general, as an enduring memorial of the patriotism and valor of the soldiers of Idaho; and it shall be the duty of the legislature to provide by law for the safe keeping of the same.

Sec. 5. All military organizations under the laws of this state, shall carry no other device, banner or flag, than that of the United States or the state of Idaho.

Sec. 6. No armed police force, or detective agency, or armed body of men, shall ever be brought into this state for the suppression of domestic violence, except upon the application of the legislature, or the executive, when the legislature can not be convened.

ARTICLE XV.

Water Rights.

Section 1. The use of all waters now appropriated, or that may hereafter be appropriated for sale, rental or distribution; also of all water originally appropriated for private use, but which after such appropriation has heretofore been, or may hereafter be sold, rented, or distributed, is hereby declared to be a public use, and subject to the regulation and control of the state in the manner prescribed by law.

Sec. 2. The right to collect rates or compensation for the use of water supplied to any county, city, or town, or water district, or the inhabitants thereof, is a franchise, and cannot be exercised except by authority of and in the manner prescribed by law.

Sec. 3. The right to divert and appropriate the unappropriated waters of any natural stream to beneficial uses, shall never be denied. Priority of appropriation shall give the better right as between those using the water; but when the waters of any natural stream are not sufficient for the service of all those desiring the use of the same, those using the water for domestic purposes shall, (subject to such limitations as may be prescribed by law) have the preference over those claiming for any other purpose. And those using the water for agricultural purposes shall have preference over those using the same for manufacturing purposes. And in any organized mining district, those using the water, for mining purposes, or milling purposes connected with mining, shall have preference over those using the same for manufacturing or agricultural purposes. But the usage by such subsequent appropriators shall be subject to such provisions of law regulating the taking of private property for public and private use, as referred to in Sec. 14 of Article I of this Constitution.

Sec. 4. Whenever any waters have been, or shall be appropriated, or used, for agricultural purposes, under a sale, rental or distribution thereof, such sale, rental, or distribution shall be deemed an exclusive dedication to such use; and whenever such waters, so dedicated, shall have once been sold, rented or distributed to any person who has settled upon, or improved land for agricultural purposes, with the view of receiving the benefit of

such water under such dedication, such person, his heirs, executors, administrators, successors or assigns, shall not thereafter without his consent, be deprived of the annual use of the same, when needed for domestic purposes, or to irrigate the land so settled upon or improved, upon payment therefor, and compliance with such equitable terms and conditions as to the quantity used and times of use, as may be prescribed by law.

Sec. 5. Whenever more than one person has settled upon, or improved land with the view of receiving water for agricultural purposes, under a sale, rental or distribution thereof, as in the last preceding section of this article, provided, as among such persons, priority in time shall give superiority of right to the use of such water in the numerical order of such settlements or improvements; but whenever the supply of such water shall not be sufficient to meet the demands of all those desiring to use the same, such priority of right shall be subject to such reasonable limitations as to the quantity of water used, and times of use, as the legislature, having due regard, both to such priority of right, and the necessities of those subsequent in time of settlement or improvement, may by law prescribe.

Sec. 6. The legislature shall provide by law, the manner in which reasonable maximum rates may be established to be charged for the use of water, sold, rented, or distributed, for any useful or beneficial purpose.

ARTICLE XVI.

Live Stock.

Section 1. The legislature shall pass all necessary laws to provide for the protection of live stock against the introduction or spread of pleura-pneumonia, glanders, spenic, or Texas fever, and other infectious or contagious diseases. The legislature may also establish a system of quarantine or inspection and such other regulations as may be necessary for the protection of stock owners and most conducive to the stock interests within this state.

ARTICLE XVII.

State Boundaries.

Section 1. The name of this state is Idaho, and its boundaries are as follows: Beginning at a point in the middle channel of Snake river where the northern boundary of Oregon intersects the same; then follow down the channel of the Snake river to a point opposite the mouth of the Kooskooskia or Clearwater river; thence due north to the forty-ninth parallel of latitude; thence east, along that parallel to the thirty-ninth degree of longitude west of Washington; thence south, along that degree of longitude to the crest of the Bitter Root mountains; thence southward along the crest of the Bitter Root mountains till its intersection with the Rocky mountains; thence southward along the crest of the Rocky mountains to the thirty-fourth degree of longitude west of Washington;

thence south along that degree of longitude to the forty-second degree of north latitude; thence west, along that parallel, to the eastern boundary of the state of Oregon; thence north, along that boundary, to the place of beginning.

ARTICLE XVIII.

County Organization.

Section 1. The several counties of the territory of Idaho, as they now exist, are hereby recognized as legal subdivisions of this state.

Sec. 2. No county seat shall be removed unless upon petition of a majority of the qualified electors of the county, and unless two-thirds of the qualified electors of the county, voting on the proposition at a general election, shall vote in favor of such removal. A proposition of removal of the county seat shall not be submitted in the same county more than once in six years, except as provided by existing laws; "No person shall vote at any county seat election, who has not resided in the county six months, and in the precinct ninety days."

Sec. 3. No county shall be divided unless a majority of the qualified electors of the territory proposed to be cut off, voting on the proposition at a general election, shall vote in favor of such division; Provided, That this section shall not apply to the creation of new counties. No person shall vote at such election who has not been ninety days a resident of the territory proposed to be annexed.

When any part of a county is stricken off and attached to another county, the part stricken off shall be held to pay its ratable proportion of all then existing liabilities of the county from which it is taken.

Sec. 4. (Amendment No. 5, effective Dec. 5, 1898.) No new counties shall be established which shall reduce any county to an area of less than four hundred square miles, nor the valuation of its taxable property to less than one million dollars. Nor shall any new county be formed, which shall have an area of less than four hundred square miles, and taxable property of less than one million dollars, as shown by the last previous assessment.

Sec. 5. The legislature shall establish, subject to the provisions of this article, a system of county governments which shall be uniform throughout the state; and by general laws shall provide for township or precinct organization.

Sec. 6. (Amendment No. 11, effective Nov. 28, 1910.) The legislature, by general and uniform laws, shall provide for the election biennially in each of the several counties of the state, of the county commissioners, a sheriff, a county treasurer who is *ex-officio* public administrator, a probate judge, a county superintendent of public instruction, a county assessor who is *ex-officio* tax collector, a coroner and surveyor. The clerk of the district court shall be *ex-officio* auditor and recorder. No other county offices shall be estab-

lished, but the legislature, by general and uniform laws shall provide for such township, precinct and municipal officers as public convenience may require, and shall prescribe their duties, and fix their terms of office. The legislature shall provide for the strict accountability of county, township, precinct and municipal officers for all fees which may be collected by them, and for all public and municipal moneys which may be paid to them, or officially come into their possession. The county commissioners may employ counsel when necessary. The sheriff, county assessor and ex-officio tax collector, auditor and recorder, and clerk of the district court shall be empowered by the county commissioners to appoint such deputies and clerical assistance as the business of their office may require, and said deputies and clerical assistants to receive such compensation as may be fixed by the county commissioners. The salary and qualifications of the county superintendent shall be fixed by law.

Sec. 7. (Amendment No. 6, effective Dec. 5, 1898.) All county officers, and deputies when allowed, shall receive, as full compensation for their services, fixed annual salaries, to be paid quarterly out of the county treasury, as other expenses are paid.

All actual necessary expenses, incurred by any county officer or deputy, in the performance of his official duties, shall be a legal charge against the county, and may be retained by him out of any fees, which may come into his hands. All fees, which may come into his hands from whatever source, over and above his actual and necessary expenses, shall be turned into a county treasury at the end of each quarter. He shall, at the end of each quarter, file with the clerk of the board of county commissioners, a sworn statement, accompanied by proper vouchers, showing all expenses incurred and all fees received, which must be audited by the board as other accounts.

Sec. 8. The compensation provided in section seven (7) for the officers therein mentioned, shall be paid by fees or commissions, or both, as prescribed by law. All fees and commissions received by such officers in excess of the maximum compensation per annum provided for each in section seven (7) of this article, shall be paid to the county treasurer, for the use and benefit of the county. In case the fees received in any one year by any one of such officer, shall not amount to the minimum compensation per annum therein provided, he shall be paid by the county, a sum sufficient to make his aggregate annual compensation equal to such minimum compensation.

Sec. 9. (Amendment No. 6, effective Dec. 5, 1898.) The neglect or refusal, of any county officer or deputy to account for and pay into the county treasury, any money received, as fees or compensation, in excess of his actual necessary expenses, incurred in the performance of his official duties, within ten days after his quarterly settlement with the county, shall be a felony, and the grade of crime shall be embezzlement of public funds, and be punishable as provided for such offenses.

Sec. 10. The board of county commissioners shall consist of three members whose term of office shall be two years.

Sec. 11. County, township, and precinct officers shall perform such duties as shall be prescribed by law.

ARTICLE XIX.

Apportionment.

Section 1. Until otherwise provided by law, the apportionment of the two houses of the legislature shall be as follows:

(Here follows the apportionment for the first Legislature. For present apportionment see page 64.)

Sec. 2. The several counties shall elect the following members of the House of Representatives:

(Here follows the apportionment for the first Legislature. For present apportionment see page 64.)

ARTICLE XX.

Amendments.

Section 1. Any amendment or amendments to this Constitution may be proposed in either branch of the legislature, and, if the same shall be agreed to by two-thirds of all the members of each of the two houses, voting separately, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered on their journals, and it shall be the duty of the legislature to submit such amendment or amendments to the electors of the state, at the next general election, and cause the same to be published without delay for at least six consecutive weeks, prior to said election in not less than one newspaper of general circulation, published in each county; and if a majority of the electors shall ratify the same, such amendment or amendments shall become a part of this Constitution.

Sec. 2. If two or more amendments are proposed, they shall be submitted in such manner that the electors shall vote for or against each of them separately.

Sec. 3. Whenever two-thirds of the members elected to each branch of the legislature shall deem it necessary to call a convention to revise or amend this Constitution, they shall recommend to the electors to vote at the next general election, for or against a convention, and if a majority of all the electors voting at said election shall have voted for a convention, the legislature shall at the next session provide by law for calling the same; and such convention shall consist of a number of members, not less than double the number of the most numerous branch of the legislature.

Sec. 4. Any Constitution adopted by such Convention, shall have no validity until it has been submitted to, and adopted by, the people.

ARTICLE XXI.

Schedule and Ordinance.

Section 1. That no inconvenience may arise from a change of the territorial government to a permanent state government, it is declared that all writs, actions, prosecutions, claims, liabilities, and obligations against the territory of Idaho, of whatsoever nature and rights of individuals, and of bodies corporate, shall continue as if no change had taken place in this government; and all process which may, before the organization of the judicial department under this Constitution, be issued under the authority of the territory of Idaho, shall be as valid as if issued in the name of the state.

Sec. 2. All laws now in force in the territory of Idaho, which are not repugnant to this Constitution, shall remain in force until they expire by their own limitation or be altered or repealed by the legislature.

Sec. 3. All fines, penalties, forfeitures, and escheats accruing to the territory of Idaho, shall accrue to the use of the state.

Sec. 4. All recognizances, bonds, obligations, or other undertakings heretofore taken, or which may be taken before the organization of the judicial department under this Constitution, shall remain valid, and shall pass over to and may be prosecuted in the name of the state; and all bonds, obligations, or other undertaking executed by this territory, or to any other officer in his official capacity, shall pass over to the proper state authority, and to their successors in office for the uses therein respectively expressed, and may be sued for and recovered accordingly. All criminal prosecutions and penal actions which have arisen or which may arise before the organization of the judicial department under this Constitution, and which shall then be pending, may be prosecuted to judgment and execution in the name of the State.

Sec. 5. All officers, civil and military, now holding their offices and appointments in this Territory under the authority of the United States, or under the authority of this Territory, shall continue to hold and exercise their respective offices and appointments until suspended under this Constitution.

Sec. 6. This Constitution shall be submitted for adoption or rejection, to a vote of the electors, qualified by the laws of this Territory to vote at all elections, at an election to be held on the Tuesday next after the first Monday in November, A. D. 1889. Said election shall be conducted in all respects in the same manner as provided by the laws of the territory for general election and the returns thereof shall be made and canvassed in the same manner and by the same authority as provided in cases of such general elections, and abstracts of such returns duly certified, shall be transmitted to the board of canvassers now provided by law for canvassing the returns of votes for delegate in Congress. The said canvassing board shall canvass the votes so returned, and certify

and declare the result of said election in the same manner, as is required by law for the election of said delegate.

At the said election, the ballots shall be in the following form: For the Constitution: Yes. No.

And as a heading to each of said ballots shall be printed on each ballot, the following instructions to voters:

All persons who desire to vote for the Constitution, or any of the articles submitted to a separate vote, may erase the word "no".

All persons who desire to vote against the Constitution, or against any article submitted separately, may erase the word "yes".

Any person may have printed or written on his ballot only the words, "For the Constitution", or "Against the Constitution", and such ballots shall be counted for or against the Constitution accordingly.

Sec. 7. This Constitution shall take effect and be in full force immediately upon the admission of the territory as a State.

Sec. 8. Immediately upon the admission of the Territory as a State, the Governor of the Territory, or in case of his absence or failure to act, the Secretary of the Territory or in case of his absence or failure to act, the President of this convention, shall issue a proclamation, which shall be published, and a copy thereof mailed to the chairman of the board of county commissioners of each county, calling an election by the people of all state, district, county, township, and other officers, created and made elective by this Constitution, and fixing a day for such election, which shall not be less than forty days after the date of such proclamation, nor more than ninety days after the admission of the Territory as a State.

Sec. 9. The board of commissioners of the several counties shall thereupon order such election for said day, and shall cause notice thereof to be given, in the manner and for the length of time provided by the laws of the Territory in cases of general elections for delegate to Congress, and county and other officers. Every qualified elector of the Territory, at the date of said election, shall be entitled to vote thereat. Said election shall be conducted in all respects in the same manner as provided by the laws of the Territory for general elections, and the returns thereof shall be made and canvassed in the same manner, and by the same authority as provided in cases of such general election; but returns for all state and district officers and members of the legislature, shall be made to the canvassing board hereinafter provided for.

Sec. 10. The governor, secretary, controller, and attorney general of the Territory, and the president of this convention, or a majority of them, shall constitute a board of canvassers to canvass the vote at such elections for all state and district officers and members of the legislature. The said board shall assemble at the seat of government of the Territory on the thirtieth day after the

date of such election (or on the following day if such day fall on Sunday) and proceed to canvass the votes for all state and district officers and members of the legislature, in the manner provided by the laws of the Territory for canvassing the vote for delegates to Congress, and they shall issue certificates of election to the persons found to be elected to said offices severally, and shall make and file with the secretary of the territory, an abstract certified by them, of the number of votes cast for each person for each of said offices, and of the total number of votes cast in each county.

Sec. 11. The canvassing boards of the several counties shall issue certificates of election to the several persons found by them to have been elected to the several county and precinct offices.

Sec. 12. All officers elected at such election, shall, within thirty days after they have been declared elected, take the oath required by this Constitution, and give the same bond required by the law of the Territory to be given in case of like officers of the Territory, district or county, and shall thereupon enter upon the duties of their respective offices; but the legislature may require by law all such officers to give other or further bonds as a condition of their continuance in office.

Sec. 13. All officers elected at such election, shall hold their offices until the legislature shall provide by law, in accordance with this Constitution, for the election of their successors, and until such successors shall be elected and qualified.

Sec. 14. The governor-elect of the state, immediately upon his qualifying and entering upon the duties of his office, shall issue his proclamation convening the legislature of the State at the seat of government, on a day to be named in said proclamation, and which shall not be less than thirty nor more than sixty days after the date of such proclamation. Within ten days after the organization of the legislature, both houses of the legislature shall then and there proceed to elect, as provided by law, two senators of the United States for the State of Idaho. At said election the two persons who shall receive the majority of all votes cast by said senators and representatives, shall be elected as such United States senators, and shall be so declared by the presiding officers of said joint session. The presiding officers of the Senate and House, shall issue a certificate to each of said senators, certifying his election, which certificates shall also be signed by the governor and attested by the secretary of state.

Sec. 15. The legislature shall pass all necessary laws to carry into effect the provisions of this Constitution.

Sec. 16. Whenever any two of the judges of the supreme court of the State, elected under the provisions of this Constitution, shall have qualified in their offices, the causes then pending in the supreme court of the Territory, and the papers, records, and proceedings of said court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the supreme court of the State, and until so superseded, the

supreme court of the Territory and the judges thereof shall continue with like powers and jurisdiction, as if this Constitution had not been adopted. Whenever the judge of the district court of any district elected under the provisions of this Constitution shall have qualified in office, the several causes then pending in the district court of the Territory within any county in such district, and the records, papers, and proceedings of said district court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the district court of the State for such county; and until the district courts of this Territory shall be superseded in the manner aforesaid, the said district courts and the judges thereof shall continue with the same jurisdiction and power to be exercised in the same judicial districts respectively as heretofore constituted under the laws of the Territory.

Sec. 17. Until otherwise provided by law the seals now in use in the supreme and district courts of this Territory are hereby declared to be the seals of the supreme and district courts, respectively, of the State.

Sec. 18. Whenever this Constitution shall go into effect, the books, records and papers, and proceedings of the probate court in each county, and all causes and matters of administration and other matters pending therein, shall pass into the jurisdiction and possession of the probate court of the same county of the State, and the said probate court shall proceed to final decree or judgment, order or other determination in the said several matters and causes as the said probate court might have done as if this Constitution had not been adopted.

Sec. 19. It is ordained by the State of Idaho that perfect toleration of religious sentiment shall be secured, and no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship. And the people of the State of Idaho do agree and declare that we forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indians or Indian tribes; and until the title thereto shall have been extinguished by the United States, the same shall be subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands belonging to citizens of the United States, residing without the said State of Idaho, shall never be taxed at a higher rate than the lands belonging to the residents thereof. That no taxes shall be imposed by the state on the lands or property therein belonging to, or which may hereafter be purchased by the United States, or reserved for its use.. And the debts and liabilities of this Territory shall be assumed and paid by the State of Idaho. That this ordinance shall be irrevocable, without the consent of the United States and the people of the State of Idaho.

Sec. 20. That in behalf of the people of Idaho we, in convention assembled, do adopt the Constitution of the United States.

Done in open convention at Boise City, in the Territory of Idaho, this sixth day of August, in the year of our Lord one thousand eight hundred and eighty-nine.

WM. H. CLAGGETT, Pres.,
GEO. AINSLEE,
W. C. B. ALLEN,
ROB'T ANDERSON,
H. ARMSTRONG,
ORLANDO B. BATTEN,
FRANK W. BEANE,
JAS. H. BEATTY,
J. W. BALLENTINE,
JOHN S. GRAY,
WM. W. HAMMELL,
H. S. HAMPTON,
H. O. HARKNESS,
FRANK HARRIS,
SOL. HASBROUCK,
C. M. HAYS,
W. B. HEYBURN,
JOHN HOGAN,
J. M. HOWE,
E. S. JEWELL,
G. W. KING,
H. B. KINPORT,
JAS. W. LAMOREAUX,
JOHN LEWIS,
WM. C. MAXEY,
A. E. MAYHEW,
W. J. McCONNELL,
HENRY MELDER,
JOHN H. MYER,
JOHN T. MORGAN,
A. B. MOSS,
AARON F. PARKER,

A. D. BEVAN,
HENRY B. BLAKE,
FREDERICK CAMPBELL,
FRANK P. CAVANAH,
A. S. CHANEY,
CHAS. A. CLARK,
I. N. COSTON,
JAS. I. CRUTCHER,
STEPHEN S. GLIDDEN,
A. J. PIERCE,
A. J. PINKHAM,
J. W. POE,
THOS. PYEATT,
JAS. W. REID,
W. D. ROBBINS,
WM. H. SAVIDGE,
AUG. M. SINNOTT,
JAMES M. SHOUP,
DREW W. STANDROD,
FRANK STEUNENBERG,
HOMER STULL,
WILLIS SWEET,
SAM. F. TAYLOR,
J. L. UNDERWOOD,
LYCURGUS VINEYARD,
J. S. WHITTON,
EDGAR WILSON,
W. W. WOODS,
JOHN LEMP,
N. I. ANDREWS,
SAMUEL J. PRITCHARD,
J. W. BRIGHAM.

DECLARATION OF INDEPENDENCE

[From a facsimile of the original Parchment.]

THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES OF AMERICA.

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.—We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.—That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.—Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.—He has refused his Assent to Laws, the most wholesome and necessary for the public good.—He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.—He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.—He has called together legislative bodies at places unusual, uncomfortable,

and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.—He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.—He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.—He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.—He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.—He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.—He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance.—He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.—He has affected to render the Military independent of and superior to the Civil power.—He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:—For quartering large bodies of armed troops among us:—For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:—For cutting off our Trade with all parts of the world:—For imposing Taxes on us without our Consent:—For depriving us in many cases, of the benefits of Trial by Jury:—For transporting us beyond Seas to be tried for pretended offences:—For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:—For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:—For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.—He has abdicated Government here, by declaring us out of his Protection and waging War against us.—He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the Lives of our people.—He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.—He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.—He has excited domestic insurrections amongst

us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions. In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people. Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.—

We, therefore, the Representatives of the United States of America, in General Congress, assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be, Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do.—And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

JOHN HANCOCK.

New Hampshire
Josiah Bartlett,*
Wm. Whipple,
Matthew Thornton.

Massachusetts Bay
Saml. Adams,
John Adams,
Robt. Treat Paine,
Elbridge Gerry.

Rhode Island
Step. Hopkins,
William Ellery.

Connecticut
Roger Sherman,
Sam'el Huntington,

Wm. Williams,
Oliver Wolcott.

New York
Wm. Floyd,
Phil. Livingston,
Frans. Lewis,
Lewis Morris.

New Jersey
Richd. Stockton,
Jno. Witherspoon,
Fras. Hopkinson,
John Hart,
Abra. Clark.

Pennsylvania
Robt. Morris,
Benjamin Rush,

Benja. Franklin,
John Morton,
Geo. Clymer,
Jas. Smith,
Geo. Taylor,
James Wilson,
Geo. Ross.

Delaware
Caesar Rodney,
Geo. Read,
Tho. M'Kean.

Maryland
Samuel Chase,
Wm. Paca,
Thos. Stone,
Charles Carroll of
Carrollton.

Virginia

George Wythe,
Richard Henry Lee,
Th Jefferson,
Benja. Harrison,
Thos. Nelson, jr.,
Francis Lightfoot Lee,
Carter Braxton.

North Carolina

Wm. Hooper,
Joseph Hewes,
John Penn.

Thomas Lynch, Junr.,
Arthur Middleton.

Georgia

Button Gwinnett,
Lyman Hall,
Geo. Walton.

South Carolina
Edward Rutledge,
Thos. Heyward, Junr.,

*The signatures to the Declaration of Independence are printed as signed.

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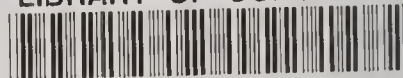
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